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# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

28001-28200

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 9, 1938]

**28001. Adulteration of apples. U. S. v. 100 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40741. Sample No. 62229-C.)**

This product was contaminated with arsenic and lead.

On or about September 30, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bushels of apples at Fort Worth, Tex., alleging that the article had been transported in interstate commerce on or about September 22, 1937, by L. C. Hamilton, of Weatherford, Tex., from Springdale, Ark., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On or about October 2, 1937, the owner having admitted the allegations of the libel and no claim having been entered for the product, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28002. Adulteration of apples. U. S. v. 144 and 80 Baskets of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40286, 40334. Sample Nos. 58811-C, 58824-C.)**

This product was contaminated with lead.

On September 8 and 9, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 224 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in part on or about September 7 and 8, 1937, by A. L. Collins from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On September 30, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28003. Adulteration of crab apples. U. S. v. 27 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. No. 40673. Sample No. 59426-C.)**

This product was contaminated with arsenic and lead.

On September 27, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bushels of crab apples at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about September 22, 1937, from Benton Harbor, Mich.,

by Ernest Uptegrove, of Joplin, Mo., consigned to himself, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Erwin Weber R 2 Benton Harbor Mich. Hyslop."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On December 8, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28004. Adulteration of crab apples. U. S. v. 20 Crates of Crab Apples. Default decree of condemnation and destruction. (F. & D. No. 40599. Sample No. 59443-C.)**

This product was contaminated with arsenic and lead.

On October 4, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 crates of crab apples at Chicago, Ill., alleging that the article had been transported in interstate commerce on or about September 26, 1937, by Peter Alex, of Chicago, Ill., consigned to himself, from Glenn, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28005. Adulteration of crab apples. U. S. v. 15 Bushels, 71 Bushels, and 38 Bushels of Crab Apples. Decrees of condemnation and destruction. (F. & D. Nos. 40353, 40354, 40355. Sample Nos. 59071-C, 59075-C, 59076-C, 59077-C.)**

This product was contaminated with arsenic and lead.

On September 8 and 9, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 124 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 31, September 1, and September 3, 1937, by E. P. Johnson from Shelby, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 25 and November 5, 1937, the consignee of one lot having consented to its destruction and no claim having been entered for the other two lots, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28006. Adulteration of apples. U. S. v. 36 Bushels and 24 Bushels of Apples. Consent decrees of condemnation and destruction. (F. & D. Nos. 40653, 40657. Sample Nos. 50213-C, 50217-C.)**

These apples were contaminated with arsenic and lead.

On October 12 and 14, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 60 bushels of apples at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about October 5 and 7, 1937, by Stanley Tonkin from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

They were alleged to be adulterated in that they contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered them harmful to health.

On October 21 and 22, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28007. Adulteration of crab apples. U. S. v. 15 Bushels of Crab Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40434. Sample No. 59110-C.)

This product contained arsenic and lead.

On September 16, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 12, 1937, by Sam Wark from Fennville, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 26, 1937, the intervenor having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28008. Adulteration of pears. U. S. v. 17 Bushels of Pears. Consent decree of condemnation and destruction.** (F. & D. No. 40602. Sample No. 59487-C.)

This product was contaminated with arsenic and lead.

On October 5, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 bushels of pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, from Stevensville, Mich., by J. Spagnolo, of Chicago, Ill., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 9, 1937, the claimant having admitted the allegations of the libel and consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28009. Adulteration of pears. U. S. v. 36 Bushels of Pears. Default decree of condemnation and destruction.** (F. & D. No. 40625. Sample No. 49783-C.)

This product was contaminated with arsenic and lead.

On October 5, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 bushels of pears at Chicago, Ill., alleging that the article had been transported in interstate commerce on or about September 30, 1937, from Benton Harbor, Mich., by S. Gomberg & Co., of Chicago, Ill., consigned to themselves, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Lincoln Farmers Fruit & Supply Co., Stevensville, Mich."

The article was alleged to be adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 4, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28010. Adulteration of pears. U. S. v. 9 Bushels of Pears. Default decree of condemnation and destruction.** (F. & D. No. 40626. Sample No. 59497-C.)

This product was contaminated with arsenic and lead.

On October 6, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 bushels of pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 1, 1937, from Benton Harbor, Mich., by James Pappas, of Chicago, Ill., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28011. Adulteration of pears. U. S. v. 72 Baskets of Pears. Default decree of condemnation and destruction.** (F. & D. No. 40627. Sample No. 59807-C.)

This product was contaminated with arsenic and lead.

On October 11, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 baskets of pears at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, by the Sawyer Fruit Co. from St. Joseph, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Victor S. Luckner, St. Joseph, Mich., Kiefer."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 24, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28012. Adulteration of pears. U. S. v. 1 Carload of Pears. Consent decree of condemnation and destruction.** (F. & D. No. 40600. Sample No. 49735-C.)

This product was contaminated with arsenic and lead.

On September 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 22, 1937, from Derby, Mich., by Cohen-Gordon Co., of Chicago, Ill., consigned to themselves, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 1, 1937, the claimant having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28013. Adulteration of pears. U. S. v. 38 Bushels of Pears. Consent decree of condemnation and destruction.** (F. & D. No. 40555. Sample No. 59429-C.)

This product was contaminated with arsenic and lead.

On September 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 bushels of pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 24, 1937, from Saugatuck, Mich., by Phillip Kulinsky, of Chicago, Ill., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 2, 1937, the claimant having admitted the allegations of the libel and consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28014. Adulteration of pears. U. S. v. 16 Bushels, 52 Bushels, and 570 Boxes of Pears. Consent decrees of condemnation. Portion released under bond; remainder destroyed.** (F. & D. Nos. 40412, 40413, 40436. Sample Nos. 49430-C, 49445-C to 49449-C, incl., 59109-C.)

These pears were contaminated with arsenic and lead.

On September 13 and 16, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 68 bushels and 570 boxes of pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce in part on or about September 6, 7, 8, and 12, 1937, by M. L. Council from St. Joseph, Mich., and charging adulteration in violation of the Food and Drugs Act.

The pears were alleged to be adulterated in that they contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered them harmful to health.

M. L. Council appeared in all cases, admitted the allegations of all libels, and consented to the entry of decrees, but prayed release of the 570 boxes of the product. On September 20, 1937, judgment was entered condemning the product in the 570 boxes and ordering its release under bond conditioned that it be brought into compliance with the law under the supervision of this Department. On September 24 and October 22, 1937, the remaining lots were condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28015. Adulteration of pears. U. S. v. 5 Bushels of Pears. Default decree of condemnation and destruction.** (F. & D. No. 40278. Sample No. 59015-C.)

This product contained arsenic and lead.

On August 27, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 bushels of pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 19, 1937, by Nemitz Bros. from Bridgman, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A. T. Steinke R. 1 \* \* \* Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 15, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28016. Adulteration of pears. U. S. v. 18 Bushels of Pears. Default decree of condemnation and destruction.** (F. & D. No. 40277. Sample No. 59004-C.)

This product was contaminated with arsenic and lead.

On August 27, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bushels of pears at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about August 18, 1937, by Bangor Fruit Growers Exchange from Bangor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28017. Adulteration of quinces. U. S. v. 133 Bushels of Quinces. Decree of condemnation. Product released under bond.** (F. & D. No. 40624. Sample No. 48534-C.)

This product was contaminated with lead.

On October 15, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 133 bushels of quinces at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 12, 1937, by M. M. Pettit from Newfane, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead.

On October 22, 1937, Malcolm M. Pettit, Newfane, N. Y., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28018. Misbranding of cottonseed meal. U. S. v. Perkins Oil Co. Plea of guilty. Fine, \$150.** (F. & D. No. 38661. Sample No. 655-C.)

The net weight of this product was found to be less than that declared.

On April 6, 1937, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district



court an information against the Perkins Oil Co., a corporation trading at West Memphis, Ark., alleging shipment by said company on or about October 16, 1936, from the State of Arkansas into the State of Kansas of a quantity of cottonseed meal that was misbranded in violation of the Food and Drugs Act as amended. It was labeled in part: (Tag) "Golden Rod Brand Cottonseed Meal \* \* \* 100 Lbs. Net Wt. Manufactured by Perkins Oil Co. Memphis, Tenn."

The article was alleged to be misbranded in that the statement on the tag, "100 Lbs. Net Wt.," was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since the sacks contained less than 100 pounds net; it was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously stated on the outside of the package.

On October 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28019. Misbranding of tomato paste. U. S. v. 198 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 40252. Sample No. 38326-C.)

This case involved an interstate shipment of canned tomato paste which was short weight.

On September 8, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 cases of canned tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31, 1937, by the West Coast Packing Co. from Long Beach, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Seemano Brand Tomato Paste Net Weight 7 lbs. 2 oz.—3.24 Kilograms Seeman Bros., Inc., Wholesale Distributors New York."

Misbranding was alleged in that the statement, "Net weight 7 lbs. 2 oz.—3.24 kilograms," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 8, 1937, Seeman Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28020. Adulteration and misbranding of jellies and jams. U. S. v. Carolina Mushroom Growers, Inc. Plea of guilty to counts 1, 2, and 3; plea of nolo contendere to remaining counts. Fine, \$300 and costs.** (F. & D. No. 38591. Sample Nos. 48876-B, 48879-B, 48881-B, 48882-B, 48884-B, 48890-B, 48891-B, 63704-B, 63706-B, 63715-B.)

These products were deficient in fruit and contained excess sugar, excess moisture, and added pectin and acid. In some lots the quantity of the contents was less than that declared and in others the net-weight declaration was illegible.

On July 13, 1937, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carolina Mushroom Growers, Inc., Charlotte, N. C., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 4, April 13, November 11, 1935, February 20 and February 29, 1936, from the State of North Carolina into the State of South Carolina of quantities of jellies and jam that were adulterated and misbranded. The jellies were labeled in part: "Carolina Jelly Apple Flavor [or "Pure Quince," "Crab Apple," "Plum," or "Strawberry"]." The jam was labeled in part: "Pure Seedless Blackberry Jam." All were labeled: "Carolina Mushroom Growers Inc., Charlotte, N. C." Some lots were labeled "14 oz. Net"; one was labeled "Net Contents 1 Pound"; one was labeled "Net Contents 10 oz. Av."; and in some lots the declaration of weight was illegible.

The articles were alleged to be adulterated in that sugar, pectin, water, and acid had been mixed and packed therewith so as to reduce and lower their

quality and strength; in that mixtures deficient in fruit juice in the case of the jellies and deficient in fruit in the case of the jam, which mixtures contained excess sugar, added pectin, added acid and water which should have been boiled off, in the process of manufacture, had been substituted for jellies and jam which the articles purported to be; in that they were inferior to jellies and jam and had been mixed so as to simulate the appearance of jellies and jam in a manner whereby their inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "Jelly Apple Flavor," "Pure Quince Jelly," "Pure Crab Apple Jelly," "Pure Plum Jelly," "Pure Strawberry Jelly," and "Pure Seedless Blackberry Jam," borne on the labels, were false and misleading, and were borne on the labels so as to deceive and mislead the purchasers. They were alleged to be misbranded further in that they were prepared in imitation of jellies and jam and were offered for sale and sold under the distinctive names of other articles, namely, jellies and jam.

Misbranding was alleged further in that the statements "Net Contents 1 Pound" and "Net Contents 14 oz.," borne on the labels of certain lots, were false and misleading and were borne on said labels so as to deceive and mislead the purchasers, since the jars contained less than declared. Certain lots were alleged to be misbranded further in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 4, 1937, the defendant entered a plea of guilty to counts 1, 2, and 3, and entered a plea of nolo contendere to counts 4 to 28, inclusive. The court imposed a fine of \$300 and costs on counts 1, 2, and 3, and suspended judgment on the remaining counts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28021. Adulteration of damson plums. U. S. v. 17 Half-Bushels of Damson Plums. Default decree of condemnation and destruction. (F. & D. No. 40603. Sample No. 59042-C.)**

This product was contaminated with arsenic and lead.

On August 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 half-bushels of damson plums at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 26, 1937, by Jochem Bros. from Bridgman, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "H. Schultz R-2, Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28022. Adulteration of canned spinach. U. S. v. 50 Cases of Spinach. Consent decree of condemnation. Product released under bond conditioned that unsound portion be destroyed. (F. & D. No. 40036. Sample No. 53306-C.)**

Samples of this product were found to be undergoing progressive acid decomposition.

On August 3, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned spinach at Tuscaloosa, Ala., alleging that the article had been shipped in interstate commerce on or about May 29, 1937, by Stokely Bros. & Co. from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Stokely's Finest Spinach \* \* \* Stokely Bros. & Co., Inc. General Offices Indianapolis, Ind."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid vegetable substance.

On November 17, 1937, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unsound portion be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28023. Misbranding of canned shrimp in the unlawful use of sea-food inspection legend. U. S. v. Marko Skrmetta (Deer Island Fish & Oyster Co.).** Plea of guilty. Fine, \$1,000. Payment suspended and defendant placed on probation for 1 year. (F. & D. No. 38001. Sample Nos. 65688-B, 65801-B.)

The label of this product falsely represented that it had been packed at a plant having Government inspection.

On November 23, 1936, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Marko Skrmetta, trading as the Deer Island Fish & Oyster Co. (Bayou La Batre, Ala.), alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 6, 1935, and January 10, 1936, from the State of Alabama into the State of Massachusetts of quantities of canned shrimp which was falsely labeled as having been packed under Government inspection, in violation of the Food and Drugs Act and as amended by Section 10-A. A portion was labeled: "Wild Rose \* \* \* Wet Pack Shrimp \* \* \* Packed for R. F. Owens Co., \* \* \* Brockton, Mass." The remainder was labeled: "Clover Farm Brand \* \* \* Shrimp \* \* \* Clover Farm Stores Distributors, National Headquarters, Cleveland, Ohio." Both lots were labeled further: "Production Supervised by U. S. Food and Drug Administration."

The article was alleged to be misbranded in that the statement "Production Supervised by U. S. Food and Drug Administration," borne on the cans, was false and misleading since it had not been produced under the supervision of the United States Food and Drug Administration.

It was alleged to be labeled in further violation of the law in that it was marked to indicate that it conformed to the requirements of the law and the regulations promulgated thereunder; i. e., that the premises, equipment, sanitation, methods of handling, containers, and labels used in the production of the article, had been examined and inspected by inspectors designated by the Secretary of Agriculture for such purposes; whereas it did not conform to said requirements of the law and regulations but had been marked to indicate such conformity without proper authority.

On October 5, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$1,000. Payment of the fine was suspended and the defendant was placed on probation for 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28024. Adulteration of canned shrimp. U. S. v. Paul C. Skrmetta. Plea of guilty. Fine, \$20. (F. & D. No. 39444. Sample Nos. 13797-C, 13798-C.)**

This product was in part decomposed.

On May 19, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul C. Skrmetta, New Orleans, La., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 26, 1936, from the State of Louisiana into the State of Texas of a quantity of canned shrimp that was adulterated. It was labeled in part: "Doll Baby Brand \* \* \* Shrimp \* \* \* L. C. Mays Co., Inc., Distributors, New Orleans, La."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On June 25, 1937, the defendant entered a plea of guilty; and on June 28, 1937, a fine of \$20 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28025. Adulteration of canned tuna. U. S. v. 950 Cases of Canned Tuna. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. No. 39699. Sample No. 10510-C.)**

This product was in part decomposed.

On June 8, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 950 cases of canned tuna at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 14, 1937, by the Van Camp Sea Food Co., Inc., of Terminal Island, from Los Angeles Harbor, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Catalina Brand Light Meat Tuna \* \* \* Packed by Van Camp Sea Food Co., Inc."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 7, 1937, the Van Camp Sea Food Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the decomposed portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28026. Adulteration of raisins. U. S. v. 960 Boxes of Raisins. Consent decree of condemnation and destruction. (F. & D. No. 39427. Sample No. 32222-C.)**

This product contained hydrocyanic acid in amounts which might have rendered it injurious to health.

On or about April 23, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 960 boxes of raisins at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about December 5, 1936, from Stockton, Calif., by the Del Rey Packing Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Deluxe Brand Vinyard Run Malaga Layer Raisins Packed by Del Rey Packing Co. Del. Rey, California."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On September 20, 1937, the product was ordered released under bond conditioned that it not be disposed of except upon further order of the court and that it be treated and analyzed under the supervision of this Department. On November 5, 1937, the claimant, Southgate Brokerage Co., Inc., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered retained by the claimant for such disposition as permitted by this Department.

On January 12, 1938, the claimant having admitted that an effort to remove the hydrocyanic acid had been unsuccessful, the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28027. Adulteration of canned salmon. U. S. v. Deep Sea Salmon Co. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 39462. Sample Nos. 23599-C, 23644-C.)**

This product was in part decomposed.

On June 10, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Deep Sea Salmon Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about September 4, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On December 20, 1937, a plea of guilty was entered by the defendant and it was sentenced to pay a fine of \$150 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28028. Adulteration of canned salmon. U. S. v. Alaska Southern Packing Co., Inc. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 39461. Sample Nos. 11086-C, 11087-C, 22005-C, 22006-C, 22027-C, 22050-C, 22226-C.)**

This product was in part decomposed.

On June 10, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alaska Southern Packing Co., Inc., Seattle, Wash., alleging shipment by the defendant on or about August 12, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On November 29, 1937, a plea of guilty was entered in behalf of the defendant and it was sentenced to pay a fine of \$200 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28029. Adulteration of canned salmon. U. S. v. Lowe Trading Co. Plea of guilty. Fine, \$250 and costs.** (F. & D. No. 39460. Sample Nos. 11242-C, 22344-C.)

This product was in part decomposed.

On June 10, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lowe Trading Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about August 15, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon that was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On December 16, 1937, a plea of guilty was entered in behalf of the defendant and it was sentenced to pay a fine of \$250 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28030. Adulteration of canned salmon. U. S. v. Alaska Red Salmon Packers, Inc. Plea of guilty. Fine, \$53 and costs.** (F. & D. No. 39459. Sample Nos. 10901-C, 10902-C, 10906-C, 10909-C, 10910-C, 16140-C, 23702-C, 23711-C, 29229-C, 29240-C.)

This product was in part decomposed.

On June 10, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alaska Red Salmon Packers, Inc., Seattle, Wash., alleging shipment by the defendant on or about August 4, 8, and 19, 1936, from the Territory of Alaska into the State of Washington; and on or about September 30, 1936, from the State of Washington into the State of South Carolina of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act. One shipment was labeled in part: "Northern Waters Brand Alaska Pink Salmon \* \* \* Distributed by North Coast Fisheries Co., Seattle, U. S. A." The remaining shipments bore no label.

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On November 20, 1937, a plea of guilty was entered in behalf of the defendant and it was sentenced to pay a fine of \$53 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28031. Adulteration of canned salmon. U. S. v. Henry J. Emard (Emard Packing Co.). Plea of guilty. Fine, \$100 and costs.** (F. & D. No. 39458. Sample Nos. 2718-C, 11017-C.)

This product was in part decomposed.

On June 10, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry J. Emard, trading as the Emard Packing Co., Seattle, Wash., alleging shipment by the defendant on or about July 25, 26, and 27, 1936, from the Territory of Alaska into the State of Washington of quantities of canned salmon that was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On November 20, 1937, a plea of guilty was entered by the defendant and it was sentenced to pay a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28032. Adulteration of canned salmon. U. S. v. Douglas Fisheries Co., Inc. Plea of guilty. Fine, \$10 and costs.** (F. & D. No. 39456. Sample Nos. 11078-C, 11089-C, 22062-C, 22105-C.)

This product was in whole or in part decomposed.

On June 8, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Douglas Fisheries Co., Inc., Seattle, Wash., alleging shipment by the defendant on or about August 10, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On December 13, 1937, a plea of guilty was entered in behalf of the defendant and it was sentenced to pay a fine of \$10 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28033. Adulteration of canned salmon. U. S. v. P. E. Harris & Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 39454. Sample Nos. 29256-C, 29292-C.)**

This product was in part decomposed.

On June 8, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against P. E. Harris & Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about August 12, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon that was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On November 20, 1937, a plea of guilty was entered in behalf of the defendant, and it was sentenced to pay a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28034. Adulteration of canned salmon. U. S. v. Western Pacific Packing Co. Plea of guilty. Fine, \$500 and costs. (F. & D. No. 38678. Sample Nos. 11663-C, 17111-C.)**

This product was in part decomposed.

On June 8, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Western Pacific Packing Co., a corporation, Seattle, Wash., alleging that on or about September 18 and 21, 1936, the defendant shipped from the State of Washington into the States of Massachusetts and Connecticut quantities of canned salmon that was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Queen of the Pacific Brand Red Alaska Salmon, \* \* \* Kelley-Clarke Co., Seattle, Distributors."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On December 16, 1937, a plea of guilty was entered in behalf of the defendant and it was sentenced to pay a fine of \$500 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28035. Adulteration of canned salmon. U. S. v. Ocean Packing Co. Plea of guilty. Fine, \$1,250 and costs. (F. & D. No. 38674. Sample Nos. 22246-C, 22254-C, 22258-C, 22259-C, 22260-C, 22262-C, 22263-C, 22269-C, 22282-C, 22283-C, 22291-C, 23706-C, 23708-C, 23715-C, 23716-C, 23720-C, 29239-C, 29243-C, 29258-C, 29279-C, 29280-C, 29293-C, 32376-C, 32379-C, 32388-C, 32389-C, 32400-C.)**

This product was in part decomposed.

On June 8, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ocean Packing Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about August 15, 22, and 27 and September 3 and 11, 1936, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On November 15, 1937, a plea of guilty was entered in behalf of the defendant and it was sentenced to pay a fine of \$1,250 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28036. Adulteration of canned shrimp. U. S. v. Marko Skrmetta (Deer Island Fish & Oyster Co.). Plea of guilty. Fine, \$300. (F. & D. No. 38668. Sample Nos. 7151-C, 7744-C, 12247-C, 15832-C, 15833-C, 15834-C, 15840-C.)**

This product was in part decomposed.

On April 6, 1937, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Marko Skrmetta, trading as Deer Island Fish & Oyster Co., at Bayou Labatre, Ala., alleging shipment by the defendant on or about August 7 and 11 and September 2 and 19, 1936, from the State of Alabama into the States of Virginia, North Carolina, and Massachusetts of quantities of canned shrimp which was adulterated in violation of the Food and Drugs Act. The respective portions of the article were labeled in part: "Gulf's Best Brand Shrimp Packed by Deer Island Fish & Oyster Co., Bayou Labatre, Ala., Biloxi, Miss."; and "S G Brand Wet Shrimp \* \* \* Distributors Standard Grocery Company Boston Providence D. C. and H. Co. New Bedford."



The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 5, 1937, a plea of guilty was entered by the defendant and he was sentenced to pay a fine of \$300.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28037. Adulteration of canned salmon. U. S. v. Pioneer Sea Foods Co. Plea of guilty. Fine, \$1,000 and costs.** (F. & D. No. 38666. Sample Nos. 2698-C, 2699-C, 11077-C, 11084-C, 11092-C, 11094-C, 11095-C, 11096-C, 11097-C, 22014-C, 22015-C, 22016-C, 22043-C, 22095-C, 22321-C, 22327-C.)

This product was in part putrid and decomposed.

On June 8, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pioneer Sea Foods Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about August 8, 15, 23, and 25, 1936, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a putrid and decomposed animal substance.

On November 8, 1937, a plea of guilty was entered in behalf of the defendant and it was sentenced to pay a fine of \$1,000 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28038. Adulteration of apples. U. S. v. 477 Boxes and 173 Boxes of Apples. Consent decrees of condemnation. Product released under bond for re-washing.** (F. & D. Nos. 40849, 40850. Sample Nos. 54881-C, 54885-C, 54886-C.)

One lot of this product was contaminated with lead and the other lot with arsenic and lead.

On November 4 and 8, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 650 boxes of apples at Providence, R. I., consigned during the months of September and October 1937, alleging that the article had been shipped in interstate commerce by Geo. F. Sheldon from Wrentham, Mass., and charging adulteration in violation of the Food and Drugs Act.

The apples were alleged to be adulterated in that a portion contained lead and the remainder contained arsenic and lead, added poisonous or deleterious ingredients, which might have rendered them harmful to health.

On December 15, 1937, Geo. F. Sheldon, Wrentham, Mass., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released to claimant under bond conditioned that the apples be rewashed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28039. Adulteration of apples. U. S. v. 354 and 205 Bushel Boxes of Apples. Consent decrees of condemnation. Product released under bond for re-washing.** (F. & D. Nos. 40735, 40848. Sample Nos. 54872-C, 54874-C, 54877-C.)

A portion of this product was contaminated with lead and the remainder with arsenic and lead.

On November 1 and 4, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 559 boxes of apples at Providence, R. I., consigned during the month of September 1937, alleging that the article had been shipped in interstate commerce by the Empire Fruit & Produce Co. from New Bedford, Mass., and charging adulteration in violation of the Food and Drugs Act. The apples in one shipment were labeled: (Stencil) "Grown and Packed by Ernest L. Maxim, Middleboro, Mass."

The apples were alleged to be adulterated in that a portion contained lead and the remainder contained arsenic and lead, added poisonous or deleterious ingredients, which might have rendered them harmful to health.

On December 15, 1937, the Empire Fruit & Produce Co., New Bedford, Mass., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that the apples be rewashed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28040. Adulteration of apples. U. S. v. 24 Bushels and 81 Bushels of Apples. Consent decree of condemnation. Product ordered delivered to a charitable institution.** (F. & D. No. 40846. Sample Nos. 48807-C, 58306-C, 58307-C, 58308-C.)

This product was contaminated with arsenic and lead.

On October 26, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 bushels of apples at Arlington, Nebr., alleging that the article had been transported in interstate commerce on or about October 15, 1937, by Douglas Groteluschen from the Roland Ormsby Orchard at Glenwood, Iowa, consigned to the Roland Ormsby Orchard, Arlington, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 30, 1937, Roland Ormsby, the owner of the apples, having consented to the entry of a decree, the product was condemned and ordered delivered to a charitable institution, provided the apples first were pared to remove all poisonous ingredients.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28041. Adulteration of apples. U. S. v. 43 Bushels and 72 Bushels of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40693, 40739. Sample Nos. 59664-C, 59669-C.)

This product was contaminated with arsenic and lead.

On October 11 and 13, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 115 bushels of apples at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about October 7 and 8, 1937, by Geo. F. Mielke from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The apples were labeled: "L. C. Harris, Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 24, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28042. Adulteration of apples. U. S. v. 39 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40681. Sample No. 65465-C.)

This product was contaminated with lead.

On October 29, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 28, 1937, by Mary Sheridan from Marlton, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28043. Adulteration of apples. U. S. v. 25 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40668. Sample No. 65286-C.)

This product was contaminated with lead.

On October 26, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 25, 1937, by Austin Haines from Riverside, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28044. Adulteration of apples. U. S. v. 17 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40667. Sample No. 65259-C.)**

This product was contaminated with lead.

On October 22, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 20, 1937, by Paul Pannerah from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28045. Adulteration of apples. U. S. v. 70 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40621. Sample No. 65371-C.)**

This product was contaminated with lead.

On October 21, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 19, 1937, by T. H. Busby from Beverly, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28046. Adulteration of apples. U. S. v. 5 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40620. Sample No. 65256-C.)**

This product was contaminated with lead.

On October 21, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 20, 1937, by F. S. Niepling from Waterford, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28047. Adulteration of apples. U. S. v. 30 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40595. Sample Nos. 65357-C, 65362-C.)**

This product was contaminated with lead.

On October 19, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 18, 1937, by F. B. Borden from

Beverly, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28048. Adulteration of apples. U. S. v. 148 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40594. Sample Nos. 65348-C, 65349-C.)

This product was contaminated with lead.

On October 16, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 148 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 15, 1937, by Lewis Mood from Monroeville, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28049. Adulteration of apples. U. S. v. 60 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40592. Sample No. 65329-C.)

This product was contaminated with lead.

On October 15, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 14, 1937, by H. F. Hall from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28050. Adulteration of apples. U. S. v. 38 Baskets and 43 Baskets of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40496, 40589. Sample Nos. 58975-C, 65224-C, 65227-C.)

This product was contaminated with lead.

On October 5 and 19, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 81 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 4 and 18, 1937, from Waterford, N. J., by John Iulnicci, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1 and December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28051. Adulteration of apples. U. S. v. 25 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40587. Sample Nos. 58581-C, 58582-C.)

This product was contaminated with lead.

On October 15, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the



district court a libel praying seizure and condemnation of 25 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 14, 1937, from Swedesboro, N. J., by Joe DiBella, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28052. Adulteration of apples and pears. U. S. v. 31 Bushels of Apples and 34 Bushels of Pears. Default decrees of condemnation and destruction.** (F. & D. Nos. 40586, 40674. Sample Nos. 49765-C, 59022-C.)

These products were contaminated with arsenic and lead.

On August 27 and October 4, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 31 bushels of apples and 34 bushels of pears at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about August 22 and September 20, 1937, by Rosenthal & Stockfish, of Chicago, Ill., from Benton Harbor, Mich., consigned to themselves, and charging adulteration in violation of the Food and Drugs Act. The apples were labeled: "Fred L. Ashman Benton Harbor, Mich.,"; the pears were labeled: "From Henry Ressel \* \* \* So. Haven, Mich."

The articles were alleged to be adulterated in that they contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered them harmful to health.

On October 7 and November 5, 1937, no claimant having appeared, the products were condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28053. Adulteration of apples. U. S. v. 47 Baskets and 56 Baskets of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40556, 40590. Sample Nos. 65230-C, 65301-C, 65356-C.)

This product was contaminated with lead.

On October 13 and 19, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 103 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 12 and 18, 1937, by Herman Denneler from Riverton, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1 and December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28054. Adulteration of apples. U. S. v. 77 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40547. Sample No. 65222-C.)

This product was contaminated with lead.

On October 14, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 77 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 13, 1937, by C. A. Collins from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28055. Adulteration of apples. U. S. v. 30 Bushels of Apples. Product released under bond conditioned that deleterious substance be removed. (F. & D. No. 40543. Sample No. 61725-C.)**

This product was contaminated with lead-spray residue.

On October 14, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bushels of apples at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 10, 1937, by W. L. Clapper from Hilton, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "W. L. Clapper, Hilton, N. Y."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 8, 1937, Myron Dobbins, Pittsburgh, Pa., claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment was entered ordering that the apples be released to claimant under bond conditioned that they be cleaned of the poisonous spray residue.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28056. Adulteration of apples. U. S. v. 104 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40509. Sample No. 62672-C.)**

This product was contaminated with lead.

On October 9, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 8, 1937, by Fletcher Souders from Glassboro, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28057. Adulteration of apples. U. S. v. 15 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40508. Sample No. 62568-C.)**

This product was contaminated with lead.

On October 6, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 5, 1937, by Hiram Haines from Medford, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28058. Adulteration of canned salmon. U. S. v. Snug Harbor Packing Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 39466. Sample Nos. 11243-C, 11244-C, 22342-C, 22343-C.)**

This product was in part decomposed.

On June 14, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Snug Harbor Packing Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about August 14, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.



It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On October 30, 1937, a plea of guilty was entered in behalf of the defendant, and it was sentenced to pay a fine of \$10 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28059. Adulteration of canned salmon. U. S. v. Premier Salmon Co. Plea of guilty. Fine, \$100 and costs.** (F. & D. No. 39465. Sample Nos. 22055-C, 22102-C, 22103-C, 22116-C.)

This product was in part decomposed.

On June 14, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Premier Salmon Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about August 11, 1936, from the Territory of Alaska into the State of Washington of a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On November 20, 1937, a plea of guilty was entered on behalf of the defendant, and it was sentenced to pay a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28060. Adulteration of canned salmon. U. S. v. Al Jones (Kustatan Packing Co.). Plea of guilty. Fine, \$200, payment of which was suspended.** (F. & D. No. 39463. Sample Nos. 11038-C, 11039-C, 11045-C, 11047-C, 11391-C, 11392-C, 11393-C.)

This product was in part decomposed.

On June 14, 1937, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Al Jones, trading as the Kustatan Packing Co., at Anchorage, Alaska, alleging shipment by the defendant on or about July 21, 24, 26, 27, and 29, and August 2, 1936, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On January 7, 1938, a plea of guilty was entered by the defendant, and he was sentenced to pay a fine of \$200, which was suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28061. Adulteration and misbranding of fruit flavors. U. S. v. 24 Cases of Tru-Fruit Swans Down Ade (and two other seizure actions). Default decrees of condemnation and destruction.** (F. & D. Nos. 40167, 40268, 40269. Sample Nos. 46584-C, 46585-C, 46586-C, 46597-C, 46598-C, 46708-C, 46709-C, 46711-C to 46714-C, incl.)

These products were labeled to indicate that they were fruitade bases, whereas portions consisted of artificially colored mixtures of water, sugar, and acid, containing artificial flavor or citrus-oil flavor and little or no fruit juice; and the remainder consisted of sirupy liquids containing acid, water, artificial color, and artificial flavor. The quantity of the contents of the former was declared in terms of weight instead of volume.

On August 27 and September 13, 1937, the United States attorneys for the Western District of New York and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 24 cases of Swans Down Ade at Rochester, N. Y., and 57 cartons of Thirst Ade at Youngstown, Ohio, alleging that the articles had been shipped in interstate commerce on or about April 13 and June 7 and 11, 1937, by the R. C. McAteer Co. from Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion was labeled: (Bottles) "Tru-Fruit Swans Down Ade \* \* \* Net Wgt. 1½ Oz. R. C. McAteer Co., Pittsburgh, Pa." The remainder was labeled: "Thirst Ade \* \* \* Household Specialty Co. Pittsburgh, Pa."

The articles were alleged to be adulterated in that they were mixed and colored in a manner whereby inferiority was concealed.

The Swans Down Ades were alleged to be misbranded in that the following statements on the bottle labels were false and misleading and tended to deceive

and mislead the purchaser when applied to articles that were mixtures of water, sugar, acid, artificial color and artificial flavor or citrus-oil flavor, containing little or no fruit juice, "Tru-Fruit \* \* \* Ade Cherry [or "Raspberry," "Lemon," "Orange," "Lemon-Lime," or "Grape"]"; in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, cherry, raspberry, lemon, orange, lemon-lime, or grape True-Fruit Ades and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since it was declared in terms of weight instead of volume. The Thirst Ades were alleged to be misbranded in that the following statements and device in the labeling were false and misleading and tended to deceive and mislead the purchaser when applied to sweet sirupy liquids containing acid, water, artificial color, and artificial flavor, (bottles) "Ade Raspberry [or "Cherry" or "Grape"] True-Fruit Flavor \* \* \* Ade Punch \* \* \* Tru-Fruit Ade," (display card with portion) "Ade \* \* \* Grape Cherry \* \* \* Raspberry," (display card with remainder) "Ade \* \* \* Grape Cherry \* \* \* Raspberry \* \* \* True Fruit," and a vignette of fruit which included representations of cherries and raspberries; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, raspberry, cherry, or grape true fruit flavors.

On October 15 and October 28, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28062. Adulteration and misbranding of honey. U. S. v. 59 Tins and 174 Jars of Honey. Default decree of condemnation and sale. (F. & D. Nos. 40214, 40262. Sample Nos. 43615-C, 43616-C, 44149-C.)**

This product was represented to be honey but consisted of a mixture of glucose and honey. It was also short of the declared weight.

On August 30 and September 11, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 59 tins and 174 jars of honey at Atlanta, Ga., alleging that the article was shipped in interstate commerce on or about May 13, July 30, and August 7, 1937, from Chattanooga, Tenn., by G. W. Bagwell, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Honey Packed by G. W. Bagwell Chattanooga, Tenn. \* \* \* Net Wt. 16 Ozs." [or "4½ Lbs." or "2 Lbs."].

It was alleged to be adulterated in that a mixture of glucose and honey had been substituted for honey, which it purported to be, and in that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statements, "Honey," "Net Wt. 4½ Lbs.," "Net Wt. 2 Lbs.," and "Net Wt. 16 Oz.," as they appeared, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was a mixture of glucose and honey and that was short weight; in that the article was an imitation of and was offered for sale under the distinctive name of another article, namely, honey; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 2 and 9, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the labels be stripped and the product sold. On December 7, 1937, its sale for distribution through charitable channels was confirmed by the court.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28063. Misbranding of peanut butter. U. S. v. 37 Cases of Peanut Butter. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 40224. Sample No. 31607-C.)**

This product was short weight.

On August 31, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of peanut butter at Louisville, Ky., alleging shipment in interstate commerce on or about June 29, 1937, from New Brockton, Ala., by Southland Peanut Products Co., and charging misbranding in violation of the Food and Drugs Act



as amended. The article was labeled in part: "Contents 12 Ozs. Net When Packed \* \* \* Manufactured for A. Wahking & Sons, Louisville, Ky."

It was alleged to be misbranded in that the statement on the label, "Contents 12 Ozs. Net When Packed," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity was not stated correctly.

On December 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be turned over to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28064. Adulteration and misbranding of cocktail fruit juice. U. S. v. 10 Cartons of Cocktail Fruit Juice (and 1 other seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 40225, 40228. Sample Nos. 21070-C, 48505-C.)**

These products were labeled to indicate that they were lemon juice; whereas they were artificially colored acid mixtures, containing in one instance less than 15 percent of lemon juice and in the other little or no lemon juice.

On August 31, 1937, the United States attorneys for the District of Massachusetts and the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 10 cartons of cocktail fruit juice at Boston, Mass., and 10 cartons of a similar product at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about August 17, 1937, by the Castle Products Co., Inc., from Irvington, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. One product was labeled in part: "Tomahawk Brand Cocktail Fruit Juice Lemon \* \* \* Castle Products, Inc., Newark, N. J."; the other was labeled in part: "Banner Brand Cocktail Fruit Juice \* \* \* Bottled Expressly for Banner Bros. Washington, D. C. Lemon."

The articles were alleged to be adulterated in that they were mixed and colored in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser since they implied that the articles were pure lemon juice, whereas they were not, one consisting of a mixture of acid, water, citrus oil, artificial color, and less than 15 percent of lemon juice and the other consisting of a mixture of water, acid, artificial color, and fruit pulp, containing little or no lemon juice: (Tomahawk brand) "Fruit Juice Lemon Use As the Juice of Fresh Fruit \* \* \* Use whenever lemon juice is desired. Two tablespoons are equal to the juice of one lemon. Contains the juice of tree-ripened, California-squeezed lemons"; (Banner brand) "Cocktail Fruit Juice Use as the juice of Fresh Fruit Contains Natural Fruit Juice \* \* \* Lemon." They were alleged to be misbranded further in that they were imitations of and offered for sale under the distinctive name of another article, namely, lemon juice. They were alleged to be misbranded further in that the statements of composition, (Tomahawk brand) "Contains the juice of tree-ripened California squeezed lemons. Flavor, fruit acid, cert. color and  $\frac{1}{10}$  of 1% sodium benzoate added" and (Banner brand) "Contains Natural Fruit Juice, Fruit Acid, Certified Color and  $\frac{1}{10}$  of 1% Benzoate of Soda"; were misleading and tended to deceive and mislead the purchaser since the former contained 85 percent of water and the latter contained about 95 percent of water, and the water was not declared.

On October 11 and 18, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28065. Adulteration of butter. U. S. v. 42 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40243. Sample Nos. 34077-C, 34078-C.)**

This product contained less than 80 percent of milk fat.

On or about August 19, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate

commerce on or about August 7, 1937, from El Reno, Okla., by the W. D. Wright Produce Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided for by the act of Congress of March 4, 1923.

On September 23, 1937, the W. D. Wright Produce Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28066. Adulteration and misbranding of lemon juice flavor. U. S. v. 39 Jugs of Lemon Juice Flavor. Default decree of condemnation and destruction.** (F. & D. No. 40253. Sample No. 38187-C.)

This product was an artificially colored and flavored acid solution containing no fruit juice, and was labeled to convey the impression that it was lemon juice. It was also short in volume.

On September 7, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 jugs of lemon juice flavor at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 17, 1937, by Sunkist Fruit Juice Co. from the Bronx, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Sunkist Lemon-Mixer Flavor \* \* \* Made by Sunkist Fruit Juice Co. New York"; (jug) "Sunkist Lemon Juice Flavor"; (blown into jug) "Full Gallon."

It was alleged to be adulterated in that it was mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statements in the labeling, (carton) "Lemon Mixer" and (jug) "Lemon Juice \* \* \* Used wherever lemons are required Made With Fresh Fruit \* \* \* Superior Quality," were false and misleading and tended to deceive and mislead the purchaser in that they implied that the article was pure lemon juice, whereas it was not pure lemon juice but was an artificially colored and flavored acid solution containing no fruit juice; in that the statement blown into the jug, "Full Gallon," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; in that the article was an imitation of and was offered for sale under the distinctive name of another article, namely, lemon juice; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On October 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28067. Adulteration of shelled peanuts. U. S. v. 198 Bags of Shelled Peanuts. Consent decree of condemnation. Product released under bond to be disposed of for purposes other than human food.** (F. & D. No. 40261. Sample No. 31623-C.)

This product was insect-infested.

On September 10, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 bags of shelled peanuts at Cincinnati, Ohio, consigned on or about August 19, 1937, alleging that the article had been shipped in interstate commerce by the Southern Cotton Oil Co. from Cordele, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 16, 1937, the Southern Cotton Oil Co., Atlanta, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be used for animal feed or for purposes other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28068. Adulteration of apples. U. S. v. 64 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. No. 40271. Sample No. 36078-C.)**

This product was contaminated with arsenate of lead.

On August 30, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 boxes of apples at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 25, 1937, by the Apple Growers Association from Hood River, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenate of lead, which might have rendered it injurious to health.

On October 1, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28069. Adulteration and misbranding of butter. U. S. v. 15 Cartons of Butter. Default decree of condemnation. Product delivered to charitable organizations. (F. & D. No. 40275. Sample No. 46724-C.)**

This product contained less than 80 percent of milk fat.

On August 31, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cartons of butter at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about August 23, 1937, by Producers Creamery from Marion, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Packed Expressly for The Red and White Stores, Buffalo, N. Y. \* \* \* Cool Spring Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On October 28, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to various charitable organizations.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28070. Adulteration and misbranding of flour. U. S. v. 191 Sacks and 82 Sacks of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 40166, 40250. Sample Nos. 13963-C, 13970-C.)**

This product was adulterated because of weevil infestation and was misbranded because the statements "Bleached" and "Phosphate Added" were inconspicuously printed in pale yellow type on white or unbleached cotton sacks.

On September 2 and 4, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 273 sacks of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 17 and 19, 1937, by Ballard & Ballard Co., Inc., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion was labeled: (Sacks) "Bleached Southern Favorite Pure Flour Phosphate Added New South Flour Co. Louisville, Ky." The remainder was labeled: "Bleached \* \* \* Dorothy Perkins Flour Phosphate Added Ballard & Ballard Co. Incorporated Louisville, Ky."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

It was alleged to be misbranded in that the statements "Bleached" and "Phosphate Added" were false and misleading and tended to deceive and mislead the purchaser since they were inconspicuously placed.

On October 15, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28071. Misbranding and alleged adulteration of butter. U. S. v. 37 Cases and 91 Cases of Butter. Decrees of condemnation. Product released under bond for reworking. (F. & D. Nos. 40254, 40274. Sample Nos. 35336-C, 35338-C.)**

This product contained less than 80 percent by weight of milk fat.

On August 27 and September 1, 1937, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 128 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about August 20 and 26, 1937, from Bruce, Miss., by the Yorkshire Creamery Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Riverdale Brand Creamery Butter"; or "Morrell's Yorkshire Farm Brand Creamery Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

It was alleged to be misbranded in that the statement "Butter," on the label, was false and misleading since it contained less than 80 percent of milk fat.

On October 11, 1937, the Yorkshire Creamery Co., Bruce, Miss., and John Morrell & Co., Memphis, Tenn., claimants, having admitted that the product was deficient in milk fat, judgment was entered finding it misbranded and ordering that it be condemned and released under bond for reworking.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28072. Adulteration of apples. U. S. v. 32 Bushels of Apples. Default decree of destruction. (F. & D. No. 40270. Sample No. 35478-C.)**

This product was contaminated with arsenic and lead.

On September 4, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 bushels of apples at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about August 31, 1937, by G. L. Maples from Bentonville, Ark., consigned to the Maples City Market, Joplin, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On December 29, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28073. Misbranding of canned tomatoes. U. S. v. 200 Cases of Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40282. Sample No. 41079-C.)**

This product fell below the standard for canned tomatoes established by this Department because the tomatoes did not consist of whole or large pieces; and it was not labeled to indicate that it was substandard.

On September 11, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 23, 1937, by Val Vita Food Products, Inc., of Fullerton, Calif., from Los Angeles Harbor, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Val Vita Brand Tomatoes with Puree from Trimmings Made from Whole Ripe Tomatoes \* \* \* Val Vita Food Products, Inc. Distributors Fullerton, California."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of whole or large pieces; and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On October 22, 1937, Val Vita Food Products, Inc., Fullerton, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to claimant under bond conditioned that it be relabeled in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28074. Adulteration of apples. U. S. v. 18 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40591. Sample No. 65235-C.)

This product was contaminated with lead.

On October 19, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 18, 1937, by A. Digerolamo from Blue Anchor, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28075. Adulteration of apples. U. S. v. 37 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40593. Sample No. 65347-C.)

This product was contaminated with lead.

On October 16, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 15, 1937, by Charles Battles from Beverly, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28076. Adulteration of apples. U. S. v. 68 Baskets and 78 Baskets of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40546, 40596. Sample Nos. 65219-C, 65403-C.)

This product was contaminated with lead.

On October 14 and 16, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 146 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 13 and 15, 1937, by Preston Roberts from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1 and December 3, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28077. Misbranding of canned peas. U. S. v. 48 Cases of Peas. Decree of condemnation and destruction.** (F. & D. No. 39626. Sample No. 42009-C.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On May 20, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cases of canned peas at Norfolk, Va., alleging that the article had been shipped in interstate

commerce on or about January 18, 1937, by the H. J. McGrath Co. from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act as amended. The article was labeled in part: "McGrath's Early June Peas \* \* \* Champion Brand. The H. J. McGrath Co. Baltimore, Md. U. S. A. Distributors."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On January 7, 1938, a representative of the claimant, the H. J. McGrath Co., having informed the United States attorney that condemnation would not be contested, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28078. Adulteration of apples. U. S. v. 31 Bushels and 19 Bushels of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40662, 40855. Sample Nos. 59641-C, 59775-C.)

This product was contaminated with arsenic and lead.

On October 12 and 30, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two lots, totaling 50 bushels, of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on October 6 and 27, 1937, from Benton Harbor, Mich., by Abe Weisberg of Chicago; Ill. (one lot consigned to himself), and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "J. F. Smith \* \* \* Benton Harbor, Mich." The remainder was labeled: "Julius Schlipp Coloma, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 3, 1937, and January 6, 1938, the claimant for one lot having consented to the entry of a decree and no claim having been entered for the other lot, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28079. Adulteration of apples. U. S. v. 215 Crates and 140 Bushels of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40680, 40738. Sample Nos. 59467-C, 59656-C.)

This product was contaminated with arsenic and lead.

On October 1 and 15, 1937, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 215 crates and 140 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce in part on or about September 28, 1937, from Hartford, Mich., by H. Shlensky & Sons (consigned to H. Shlensky & Sons, of Hammond, Ind.), and in part on or about October 7, 1937, from Riverside, Mich., by Hyman Shlensky (consigned to Hyman Shlensky & Sons, of Hammond, Ind.), and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Herbert Chabot Riverside Mich." The remainder was unlabeled.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 13 and December 6, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28080. Adulteration of apples. U. S. v. 45 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40847. Sample No. 50299-C.)

This product was contaminated with arsenic and lead.

On November 3, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 baskets of apples at Minneapolis, Minn., alleging that the article had been shipped in interstate



commerce on or about October 29, 1937, by C. M. Jones from Norwalk, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients which might have rendered it injurious to health.

On December 16, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28081. Adulteration and misbranding of preserves. U. S. v. 30 Cases and 2 Cases of Preserves. Default decree of condemnation with provision for delivery to charitable institutions.** (F. & D. No. 37550. Sample Nos. 62627-B, 62628-B, 62629-B.)

The products covered by this action contained less fruit and more sugar than standard preserves. All contained added pectin; the red raspberry contained added acid and the plum contained excess moisture.

On April 6, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cases, containing among other products, a number of jars of the preserves hereinafter described, at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about August 2, 1935, and January 22, 1936, from Pittsburgh, Pa., by Lutz & Schramm Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "L & S Pure Preserves Lutz & Schramm Co. Pittsburgh, Pa. \* \* \* Red Raspberry [or "Blackberry" or "Pure Plum"] Preserves."

Adulteration was alleged in that sugar, acid, and pectin in the case of the raspberry; sugar and pectin with respect to the blackberry; and sugar, pectin, and water that should have been removed by boiling in the case of the plum preserves, had been mixed and packed with the articles so as to reduce or lower their quality; in that the said mixtures containing less fruit and more sugar than preserves should contain had been substituted for preserves, which they purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the articles were imitations of and were offered for sale under the distinctive names of other articles of food; and in that the statements on the labels, "Pure Preserves Red Raspberry [or "Blackberry" or "Plum"] Preserves \* \* \* Guaranteed Pure," were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves.

On November 24, 1937, the claimant having filed no answer, judgment of condemnation was entered and the products were ordered turned over to charitable institutions.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28082. Adulteration of canned tuna. U. S. v. Van Camp Sea Food Co., Inc. Plea of nolo contendere. Fine, \$200.** (F. & D. No. 38065. Sample Nos. 16215-B, 60129-B.)

This product was in part decomposed.

On March 4, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Van Camp Sea Food Co., Inc., Terminal Island, Calif., alleging sale and delivery by said defendant on or about January 6, 17, and 28, and February 11 and 18, 1936, to Smart & Final Co., Ltd., at Wilmington, Calif., of certain quantities of canned tuna under a guaranty that the article was not adulterated within the meaning of the Food and Drugs Act; that on March 7, 1936, the said Smart & Final Co., Ltd., shipped a quantity of the product in the identical condition as when so sold and delivered by the defendant, from the State of California into the State of Nevada; that the article was adulterated in violation of the Food and Drugs Act. It was labeled in part: "S and F Fancy Tuna \* \* \* Packed for Smart & Final Co. Ltd."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On February 14, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28083. Adulteration and misbranding of olive oil. U. S. v. Paul Monacelli (Bettola Grocery). Plea of guilty. Fine, \$175, \$150 of which was suspended and defendant placed on probation for 3 months. (F. & D. No. 38602. Sample Nos. 66601-B, 66602-B.)**

These two lots of alleged olive oil consisted in large part of cottonseed oil and rapeseed oil, respectively.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul Monacelli, trading as Bettola Grocery, at West New York, N. J., alleging that on or about January 2, 1936, the said defendant had shipped from the State of New Jersey into the State of Rhode Island quantities of alleged olive oil which was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that artificially colored cottonseed oil in one instance and rapeseed oil in the other had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which it purported to be.

Misbranding was alleged in that the statements, "Olive Oil" on the label of one lot, and "Italian Produce Sublime Olive Oil Imported \* \* \* Lucca \* \* \* The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis" on the label of the other, were false and misleading and were borne on the said labels so as to deceive and mislead the purchaser.

On November 19, 1937, a plea of guilty was entered by the defendant and the court imposed a fine of \$175, \$150 of which was suspended and defendant was placed on probation for 3 months.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28084. Adulteration and misbranding of vinegar. U. S. v. Canelea Trobridge Worthington (Ridgeville Cider & Vinegar Co.). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 38604. Sample Nos. 51547-B, 51557-B, 51558-B, 51559-B.)**

One of these lots of vinegar was short in volume, two were deficient in acid; and the other two lots were both short in volume and deficient in acid.

On June 22, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Canelea Trobridge Worthington, trading as Ridgeville Cider & Vinegar Co., Baltimore, Md., alleging that on or about May 5, 11, 13, 21, 26, and 27, 1936, the said defendant had shipped from the State of Maryland into the State of Virginia quantities of vinegar which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Cider Vinegar Log Cabin \* \* \* Manufactured and Guaranteed by Interstate Fruit Product Co. \* \* \* Baltimore, Md."

All lots with one exception were alleged to be adulterated in that a product deficient in acid and containing excessive water had been substituted in whole and in part for pure apple cider vinegar from apples only, which the article purported to be.

Misbranding was alleged in that the statements in the labeling, "Pure Apple Cider Vinegar Made From Apples Only," with respect to certain lots, and the statements "Contents 12 Fl. Oz.," "Full Strength," "Contents 1 Pt. 8 Oz., Full Weight Guaranteed," "Contents 1 Pt. 8 Oz.," and "Full Strength [or "Full Weight" or "W'gt']" with respect to certain lots were false and misleading, and in that said statements were borne on the labels so as to deceive and mislead the purchaser since the article, with the exception of one lot, was not pure apple cider vinegar made from apples only but was a product deficient in acid containing excessive water and in the case of certain lots the bottles contained less than declared.

Further misbranding was alleged with respect to certain lots in that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages.

On November 19, 1937, a plea of guilty was entered by the defendant and the court imposed a fine of \$20 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28085. Adulteration and misbranding of butter. U. S. v. De Luxe Foods Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 38634. Sample No. 13659-C.)**

This product contained less than 80 percent of milk fat.

On August 10, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the De Luxe Foods Corporation, New Orleans, La., alleging that on or about September 10, 1936, the defendant had shipped from the State of Mississippi into the State of Louisiana a quantity of butter which was adulterated and misbranded in violation of the Food and Drugs Act. It was labeled: "Butter \* \* \* De Luxe Foods Corporation, New Orleans, La."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

Misbranding was alleged in that the statement "Butter," borne on the packages, was false and misleading and in that the article was labeled so as to deceive and mislead the purchaser since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923; whereas it contained a less amount.

On February 7, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28086. Adulteration of crab meat. U. S. v. Charles Wesley Howeth and Robert Howeth (Charles W. Howeth & Bro.). Pleas of guilty. Fine, \$90 and costs. (F. & D. No. 38641. Sample Nos. 6658-B, 7527-C, 7869-C, 7871-C, 7885-C, 7887-C.)**

This product contained evidence of the presence of filth.

On April 16, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Wesley Howeth and Robert Howeth, copartners trading as Charles W. Howeth & Bro., Crisfield, Md., alleging that on or about July 16, 1934, and August 4, 5, 10, 12, and 13, 1936, the defendants had shipped from the State of Maryland into the States of New York and Pennsylvania quantities of crab meat that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On November 19, 1937, pleas of guilty were entered by the defendants and the court imposed fines totaling \$90, together with costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28087. Adulteration and misbranding of crab meat. U. S. v. William H. T. Coulbourne and Frederick S. Jewett (Coulbourne & Jewett). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 38652. Sample No. 7947-C.)**

This product contained evidence of the presence of filth.

On March 17, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William H. T. Coulbourne and Frederick S. Jewett, copartners trading as Coulbourne & Jewett at St. Michaels, Md., alleging shipment by the defendants on or about August 11, 1936, from the State of Maryland into the State of Pennsylvania of a quantity of crab meat that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Ryan's Brand Extra Fancy Crabmeat Packed expressly for M. J. Ryan, Philadelphia, Pa."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance.

Misbranding was alleged in that the label bore the statement "This Can Contains Fresh-picked Crabmeat, Carefully Handled in Strict Accordance with State and National Pure Food Laws": that the cans did not contain fresh-picked crab meat; that their contents had not been carefully handled in strict accordance with National and State pure food laws; and that the above-quoted statement was false and misleading.

On November 19, 1937, pleas of guilty were entered by the defendants and the court imposed a single fine of \$100, together with costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28088. Adulteration and misbranding of coffee. U. S. v. Curtis E. Smith (Interstate Coffee Co.).** Plea of *nolo contendere*. Sentence suspended and defendant placed on probation for 30 days. (F. & D. No. 38663. Sample Nos. 13448-C, 13498-C, 15837-C.)

This product contained cereal and, with the exception of one lot, also chicory.

On May 15, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Curtis E. Smith, trading as the Interstate Coffee Co., Augusta, Ga., alleging shipment by the defendant on or about August 21 and September 11 and 29, 1936, from the State of Georgia into the States of North Carolina and South Carolina of quantities of coffee which was adulterated and misbranded in violation of the Food and Drugs Act. Respective portions of the article were labeled in part: "White Label Fresh Roasted Pure Coffee \* \* \* A Product of Interstate Coffee Co. Augusta, Ga.;" and "Rio Fresh Roasted Ground Coffee Packed for Johnson Bros. Charlotte, N. C."

The article was alleged to be adulterated in that a product composed in part of cereal, two of the three lots also containing chicory, had been substituted for coffee, which it purported to be.

Misbranding was alleged in that the statements, "Fresh Roasted Pure Coffee" and "Rio Fresh Roasted Ground Coffee," were false and misleading and were borne on the bags so as to deceive and mislead the purchaser; and in that the product was offered for sale and sold under the distinctive name of another article, "Rio Coffee" in the case of one lot and "Pure Coffee" in the case of the other lots.

On November 26, 1937, a plea of *nolo contendere* having been entered, the court suspended sentence and placed the defendant on probation for 30 days.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28089. Adulteration of canned salmon. U. S. v. Lindenger Packing Co. Plea of guilty. Fine, \$28 and costs.** (F. & D. No. 38689. Sample Nos. 10916-C, 10924-C, 23785-C, 23797-C, 23814-C, 23825-C.)

This product was in part decomposed.

On June 8, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lindenger Packing Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about August 15, 20, and 28 and September 3, 1936, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 20, 1937, a plea of guilty was entered on behalf of the defendant and it was sentenced to pay a fine of \$28 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28090. Adulteration of canned shrimp. U. S. v. 23 Cases of Shrimp. Default decree of condemnation and destruction.** (F. & D. No. 38716. Sample No. 17390-C.)

This product was in part decomposed.

On November 25, 1936, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of canned shrimp at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about September 15, 1936, from Bayou Labatre, Ala., by the Deer Island Fish & Oyster Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf's Best Brand Shrimp Wet Pack. \* \* \* Packed by Deer Island Fish & Oyster Co., Bayou Labatre, Ala., and Biloxi, Miss."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 25, 1937, the sole intervenor, the Deer Island Fish & Oyster Co., having withdrawn its appearance, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28091. Adulteration of tomato paste. U. S. v. 421 Cases, 853 Cases, 255 Cases, and 129 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond for segregation of portion fit for human consumption, and destruction of remainder. (F. & D. Nos. 38851, 38901, 38936, 39959. Sample Nos. 17031-C, 17033-C, 17564-C, 26455-C.)**

Samples of this product were found to contain filth resulting from worm and insect infestation.

On December 19, 1936, and January 4, 11, and 14, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 1,658 cases of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 16, 21, and 25 and November 4, 1936, from Harbor City and Los Angeles, Calif., by the Harbor City Food Corporation, and charging adulteration in violation of the Food and Drugs Act. The article was variously labeled in part: "Campagnola Brand Tomato Paste Harbor City Food Corporation Los Angeles California"; "Diaz Brand Salsa di Pomodoro Con Basilico Natural Color. Solafani Bros. Brooklyn, N. Y. Distributors Tomato Paste"; "Cara Brand Tomato Paste Italian Style \* \* \* Distributors Acierno Bros., Brooklyn, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 16, 1937, and January 17, 1938, the Harbor City Food Corporation, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation of the portion fit for human consumption, and for destruction of the remainder.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28092. Adulteration of tomato paste. U. S. v. 19 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 38907. Sample No. 17029-C.)**

This product contained filth resulting from worm infestation.

On January 5, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of tomato paste at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about November 25, 1936, by Paolo Alonge & Bros. from Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Campagnola Brand Tomato Paste \* \* \* Packed by Harbor City Food Corp. Los Angeles, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 27, 1938, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28093. Adulteration of butter. U. S. v. Randolph Stuart Gillespie (Piedmont Creamery). Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 39469. Sample No. 22591-C.)**

This product was deficient in milk fat.

On June 16, 1937, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Randolph Stuart Gillespie, trading as Piedmont Creamery, Statesville, N. C., alleging shipment by the defendant on or about January 18, 1937, from the State of North Carolina into the State of Virginia of a quantity of butter which was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which it purported to be.

On October 25, 1937, upon the entry of a plea of nolo contendere, the defendant was sentenced to pay a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28094. Adulteration of tomato puree. U. S. v. Frazier Packing Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 39472. Sample Nos. 4968-C, 4969-C.)**

This product contained excessive mold.

On June 15, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information (amended October 16, 1937) against the Frazier Packing Corporation, Elwood, Ind., alleging shipment by the defendant on or about November 24 and 29, 1936, from the State of Indiana into the State of Illinois of quantities of tomato puree which was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Ward Rose Brand Tomato Puree Packed for C. E. Ward & Sons Decatur, Ill."

It was alleged to be adulterated in that it consisted in whole and in part of a filthy and decomposed vegetable substance.

On October 16, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28095. Adulteration of canned beets. U. S. v. 279 Cases of Beets. Default decree of destruction. (F. & D. No. 39564. Sample No. 30449-C.)**

This product was in part decomposed.

On May 5, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 279 cases of canned beets at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 19, 1937, by the Mammoth Springs Canning Co. from Sussex, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Summer Girl Brand Beets Packed for the H. D. Lee Mercantile Company, Kansas City, Missouri, Salina, Kansas."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On October 18, 1937, no claimant having appeared, the product was adjudged adulterated and its destruction was ordered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28096. Adulteration and misbranding of tomato catsup. U. S. v. 173 Cases of Tomato Catsup. Default decree of destruction. (F. & D. No. 39583. Sample No. 22568-C.)**

This product contained filth resulting from worm infestation and was short weight.

On May 14, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 173 cases of tomato catsup at Marianna, Fla., alleging that the article had been shipped in interstate commerce on or about November 14, 1936, by the San Carlos Canning Co. from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Topco Brand Tomato Catsup \* \* \* Net Contents 6 Lb. 12 Oz. Packed by Tomato Packing Corp., Harbor City, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

It was alleged to be misbranded in that the statement on the label, "Net Contents 6 Lb. 12 Oz.," was false and misleading and deceived and misled the purchaser; and in that it was food in package form and the correct quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 23, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28097. Adulteration and misbranding of frozen egg yolk. U. S. v. 381 Cans of Frozen Egg Yolk. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 39687. Sample No. 8877-C.)**

This product contained excess added egg white.

On June 4, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 381 cans of frozen egg yolk at Jersey



City, N. J., alleging that the article had been shipped in interstate commerce on or about May 17, 1937, by the Highway Butter & Egg Co. from Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Yolks with approx. 10% Sugar."

The article was alleged to be adulterated in that a mixture of egg yolk, egg white, and sugar had been substituted wholly or in part for egg yolk and sugar, which it purported to be.

It was alleged to be misbranded in that the statement "Yolks with approx. 10% Sugar" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained excess egg white.

On July 1, 1937, the Highway Butter & Egg Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28098. Adulteration and misbranding of ground oats. U. S. v. Shawnee Milling Co. (a corporation, trading as Okeene Milling Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 39819. Sample No. 2082-C.)**

This product contained excess oat hulls and less protein and more fiber than declared.

On November 19, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shawnee Milling Co., a corporation trading as the Okeene Milling Co., at Okeene, Okla., alleging shipment by said company on or about November 20, 1936, from the State of Oklahoma into the State of Texas of a quantity of ground oats that were adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Ground Oats Manufactured by Hugo Milling Co., Hugo, Oklahoma."

The article was alleged to be adulterated in that excessive oat hulls had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for ground oats, which it purported to be.

It was alleged to be misbranded in that the statements on the tag, "Ground Oats" and "Guaranteed Analysis Crude Protein not less than 10.00% Crude Fiber, not more than 11.00%," were false and misleading and were borne on the tag so as to deceive and mislead the purchaser since said statements represented that the article consisted wholly of ground oats and contained not less than 10 percent of crude protein and not more than 11 percent of crude fiber; whereas it consisted in large part of excessive oat hulls, and contained less than 10 percent of crude protein, namely, not more than 8.44 percent, and contained more than 11 percent of crude fiber, namely, not less than 21.54 percent.

On December 14, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28099. Misbranding of canned tomatoes. U. S. v. 316 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for re-labeling. (F. & D. Nos. 40130, 40131, 40132. Sample Nos. 43793-C, 43795-C, 43796-C.)**

This product was not normally colored and was not labeled to indicate that it was substandard. A portion was falsely labeled as to the State in which it was packed.

On August 27, 1937, the United States attorney for the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 316 cases of canned tomatoes in various lots at Quincy and Tallahassee, Fla., alleging that the article had been shipped in interstate commerce on or about June 9 and 17, 1937, from Thomasville, Ga., by Allen Packing Co., Inc., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the product was labeled in part: "Palm Beach Gardens Brand Tomatoes \* \* \* Allen Packing Co., Inc., Thomasville, Georgia." The remainder was labeled in part: "Palm Beach Brand Tomatoes \* \* \* Packed Fresh From the Sunny Fields of Florida Sunshine Canning Corporation, Pahokee, Florida, Distributors."

It was alleged that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not normally colored and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

Further misbranding was alleged in that the statement appearing on one lot, "Packed Fresh From The Sunny Fields of Florida," was false and misleading and tended to deceive and mislead the purchaser when applied to tomatoes which were not packed in Florida, the statement being incorrect because the tomatoes were packed at Thomasville, Ga.

On October 20, 1937, Love & Hearin Co. and Higdon Grocery Co., of Quincy, Fla., and the Daffin Mercantile Co., of Tallahassee, Fla., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to conform with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28100. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. No. 40133. Sample No. 21263-C.)**

This product contained maggots.

On August 5, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Boston, Mass., consigned about August 5, 1937, alleging that the article had been shipped from Salisbury, Md., by Thomas Davis, and charging adulteration in violation of the Food and Drugs Act.

It was alleged that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 4, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28101. Misbranding of canned tomatoes. U. S. v. 344 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41302. Sample No. 36793-C.)**

This product was not normally colored and was not labeled to indicate that it was substandard.

On December 30, 1937, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 344 cases of canned tomatoes at London, Ky., shipped on or about September 22 and 29, 1937, alleging that the article had been shipped in interstate commerce by the Lewis Canning Co. from Ewing, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ritchie's Favorite Brand Hand Packed Tomatoes \* \* \* Packed by Barren Creek Canning Co., Tazewell Tenn. [or "Packed by A. B. Ritchie Canning Co. New Tazewell Tenn."]."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that the tomatoes were not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On February 15, 1938, Mark Lewis, Tazewell, Tenn., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28102. Adulteration and misbranding of noodles. U. S. v. 369 Cartons of Noodles (and 1 other seizure action against the same product). Decrees of condemnation. A portion was delivered to a charitable agency; remainder destroyed. (F. & D. Nos. 40155, 40634, 40635. Sample Nos. 38233-C, 38254-C, 56996-C, 56997-C.)**

This product was labeled to indicate that it derived its coloring solely from egg yolks; whereas it contained an added color, annatto.

On August 20 and November 1, 1937, the United States attorneys for the Southern District of New York, acting upon reports by the Secretary of Agri-

culture, filed in their respective district courts libels praying seizure and condemnation of 369 cartons of noodles at New York, N. Y., and 297 cases of noodles at Forest Hills, Long Island, N. Y., alleging that the article had been shipped in interstate commerce on or about February 13, April 23, May 28, and June 15, 1937, by V. Viviano & Bros. Macaroni Mfg. Co., Inc., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Packages) "DeLuxe Pure Egg Noodles Made with Fresh Egg Yolks \* \* \* V. Viviano & Bros. Macaroni Mfg. Co., Inc."

The article was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement, "Pure Egg Noodles Made with Fresh Egg Yolks," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was colored with annatto.

On November 8, 1937, and January 14, 1938, the claimant for the goods seized at New York City having consented to the entry of a decree and the claim in the other proceeding having been withdrawn, judgments of condemnation were entered. The former lot was ordered delivered to a charitable agency and the latter lot was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28103. Adulteration and misbranding of De-Raef Milk Mineral Salts. U. S. v. De-Raef Corporation and Ernest D. Fear. Corporation fined \$200 on plea of guilty. Ernest D. Fear fined \$4 on plea of nolo contendere. (F. & D. No. 38677. Sample Nos. 6609-C, 19017-C.)**

This product was represented to consist of milk mineral salts; whereas it was not a mineral and was not derived from milk but consisted in large part of dextrose.

On September 27, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the De-Raef Corporation, trading at Kansas City, Mo., and Ernest D. Fear, alleging shipment by said defendants in violation of the Food and Drugs Act on or about August 31 and September 23, 1936, from the State of Missouri into the State of Texas of quantities of De-Raef Milk Mineral salts that were adulterated and misbranded. The article was labeled in part: "De-Raef Corporation \* \* \* Kansas City, Mo."

The article was alleged to be adulterated in that a product composed in large part of dextrose had been substituted for milk mineral salts, which it purported to be.

It was alleged to be misbranded in that the statement "Milk Mineral Salts," borne on the drum label, was false and misleading, and was borne on said label so as to deceive and mislead the purchaser into the belief that it consisted of milk mineral salts; whereas it was not milk mineral salts and was not derived from milk, but was composed in large part of dextrose. It was alleged to be misbranded further in that it was offered for sale and sold under the distinctive name of another article.

On October 9, 1937, a plea of guilty was entered on behalf of the corporation and a plea of nolo contendere was entered by defendant Ernest D. Fear. The corporation was fined \$200 and Ernest D. Fear was fined \$4.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28104. Adulteration of apples. U. S. v. 153 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40378. Sample No. 58632-C.)**

This product was contaminated with lead.

On September 21, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 153 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 20, 1937, from Moorestown, N. J., by Harold Collins, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.



On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28105. Adulteration of apples. U. S. v. 46 Bushels and 15 Crates of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40456. Sample Nos. 49420-C, 49421-C.)

This product was contaminated with arsenic and lead.

On September 13, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 bushels and 15 crates of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about August 31 and September 1, 1937, from Benton Harbor, Mich., by Pictor's Open Air Market, of Hammond, Ind., to itself, and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Wealthy \* \* \* Fred Rosenbaum R. 3 Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 12, 1937, no claimants having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28106. Adulteration of apples. U. S. v. 34 Baskets and 20 Bushels of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40494, 40501. Sample Nos. 59440-C, 59639-C.)

This product was contaminated with arsenic and lead.

On September 30 and October 9, 1937, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 baskets and 20 bushels of apples at Muscatine, Iowa, alleging that the article had been shipped in interstate commerce on or about September 26 and October 5, 1937, from Benton Harbor, Mich. (hailed by truck of Nelson Graham to himself at Muscatine, Iowa), and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Bertha Bahm Route 2 Watervliet, Mich." The remainder was labeled: "August Lull R Two Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 6, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28107. Adulteration and misbranding of macaroni products. U. S. v. 3 Cases of Macaroni, et al. Default decrees of condemnation and destruction.** (F. & D. Nos. 38310, 38973 to 38976, incl. Sample Nos. 31233-C, 31234-C, 31236-C, 31237-C, 36101-C to 36106-C, incl.)

These products were colored with annato. In portions the quantity-of-contents statement was incorrect, indistinct, or inconspicuously placed.

On or about January 23 and June 26, 1937, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 614 cases and 46 cartons of macaroni products at Butte, Mont., alleging that the articles had been shipped in interstate commerce between the dates of October 1, 1936, and January 20, 1937, from Salt Lake City, Utah, by the Western Macaroni Manufacturing Co., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Most of the articles were labeled in part, "Queen's Taste" or "Carnation Brand," together with the various types or shapes "Spaghetti," "Macaroni," "Alphabet," "Fancy Rings," etc. A few lots were labeled "Egg Noodles."

The articles were alleged to be adulterated in that they had been colored in a manner whereby inferiority was concealed. Portions were alleged to be adulterated further in that products containing artificial color, had been substituted in whole or in part for products made from semolina, which they purported to be. The egg noodles were alleged to be adulterated further in that products containing artificial color, a part of which was deficient in eggs, had been substituted for egg noodles, which they purported to be.

Certain of the products were alleged to be misbranded in that the statements on the labels, "A-1 Semolina," "Semolina Products," "Egg Noodles," and "Made of Durum Semolina," were false and misleading and tended to deceive and mislead the purchaser when applied to articles colored with annato, and in the case of one lot of egg noodles, deficient in egg; in the case of one lot, in that the statement borne on the front of the case, "Net Weight 5 lbs," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in the case of certain lots, in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 11, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28108. Adulteration of apples. U. S. v. 38 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40381. Sample No. 58656-C.)

This product was contaminated with lead.

On September 23, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 22, 1937, from Glassboro, N. J., by R. E. Zimmerman, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28109. Adulteration of apples. U. S. v. 63 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40405. Sample No. 37390-C.)

This product was contaminated with lead.

On September 22, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 baskets of apples at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 21, 1937, from Vineland, N. J., by H. Ellis, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28110. Adulteration and misbranding of alleged olive oil. U. S. v. 27 Cans of Olive Oil. Default decree of condemnation and destruction.** (F. & D. No. 39704. Sample No. 20389-C.)

This product consisted essentially of an edible oil other than olive oil, containing little or no olive oil. It was also short in volume.

On June 9, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cans of olive oil at West Stockbridge, Mass., alleging that the article had been shipped in interstate commerce on or about September 26, 1936, from Waterbury, Conn., by the Brass City Paper Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Net Contents One Gallon Pure Olive Oil Fior d'Italia Brand. Guaranteed Imported From Lucca-Italy V. Bressi Bros."

The article was alleged to be adulterated in that an oil other than olive oil had been mixed and packed with it so as to reduce or lower its quality or strength and had been substituted for olive oil, which it purported to be; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the following statements and designs, "Net Contents One Gallon Pure Olive Oil Fior d'Italia," design of landscape showing an olive tree and women gathering olives, "Guaranteed Imported from Lucca-

Italy," "Puro Olio D'Oliva Fior d'Italia," "Garantito Importato da Lucca-Italy," "This olive oil is guaranteed to be absolutely pure. Recommended for cooking table and medicinal use," "Quest' Olio d'Oliva e' garantito assolutamente puro. E' raccomandato per uso da tavola, cucina e per uso medicinale," and "Pure Imported Olive Oil," were false and misleading and tended to deceive and mislead the purchaser when applied to an article which consisted essentially of an edible oil other than olive oil, with little or no olive oil, and which was short in volume; in that it was an imitation of and was offered for sale under the distinctive name of another article; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct.

On November 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28111. Adulteration and misbranding of onion powder. U. S. v. 12 Cases of Onion Powder. Consent decree of condemnation. Article released under bond for relabeling.** (F. & D. No. 39971. Sample No. 37510-C.)

This article contained added starch and was not pure onion powder, which it purported to be.

On July 13, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of onion powder at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 21, 1937, by Sokol & Co. from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance containing added starch had been mixed and packed with it so as to reduce and lower its quality, and had been substituted for onion powder, which it purported to be.

It was alleged to be misbranded in that the statement "Pure Onion Powder" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was not pure onion powder but which contained added starch; and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, pure onion powder.

On October 28, 1937, Sardik Food Products Corporation, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered. It was ordered that the product be released under bond conditioned that it be correctly relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28112. Adulteration of canned salmon. U. S. v. Alaska Packers Association. Plea of guilty. Fine, \$600.** (F. & D. No. 39442. Sample Nos. 3629-C, 3631-C, 3755-C, 3760-C, 3774-C, 3775-C, 4253-C, 4255-C, 4257-C, 10634-C, 10639-C.)

This product was in part decomposed.

On June 6, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alaska Packers Association, a corporation, San Francisco, Calif., alleging shipment by said defendant on or about August 9 and September 25, 1936, from the Territory of Alaska into the State of California of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: (Cases) "Horse Shoe Brand Red Alaska Packers Association San Francisco \* \* \* Salmon." A portion was labeled: (Cans) "Del Monte Brand \* \* \* California Packing Corporation Distributors Main Office San Francisco California \* \* \* Alaska Red Sockeye Salmon." A portion was labeled: (Cans) "Lily Brand \* \* \* Pink Salmon Packed \* \* \* by Alaska Packers Association San Francisco California."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On June 12, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$600.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28113. Adulteration of maple sirup. U. S. v. 85 Cans of Maple Sirup. Decree of condemnation and destruction.** (F. & D. No. 39876. Sample Nos. 21146-C, 21150-C.)

This article contained excessive lead, a poisonous or deleterious ingredient.

On June 19, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 85 gallon cans of maple sirup at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 29, 1937, by McPhilemy Bros., from Lowville, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "1 Gal. Pure Maple Syrup McPhilemy Bros. Petries Corners N. Y."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On November 1, 1937, no claimant having appeared, judgment of forfeiture and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28114. Adulteration of raisins. U. S. v. 93 Cases of Raisins. Default decree of condemnation and destruction.** (F. & D. No. 39664. Sample No. 42047-C.)

This product contained hydrocyanic acid in an amount which might have rendered it injurious to health.

On or about June 16, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 cases of raisins at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about March 5, 1937, from Littleton, N. C., by the Allston Grocery Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "De Luxe Brand Malaga Layer Raisins Packed by Del Rey Packing Co. Del Rey, Calif."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On October 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28115. Adulteration of apple butter. U. S. v. 272 Cases of Apple Butter. Decree of condemnation and forfeiture and order of destruction.** (F. & D. No. 39659. Sample No. 4918-C.)

This article contained worm and insect fragments and rodent hairs.

On or about May 28, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 272 cases of apple butter at Carbondale, Ill., alleging that the article had been shipped in interstate commerce on or about March 29, 1937, by the Gruber-Thomas Preserve Co. from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Country Club Brand Apple Butter \* \* \* Distributed by The Kroger Grocery & Baking Co., General Offices Cincinnati, Ohio."

Adulteration was alleged in substance in that the article consisted in part of a filthy vegetable substance.

On December 10, 1937, default decree of condemnation and forfeiture was entered and the article was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28116. Adulteration of tomato catsup. U. S. v. 152 Cases, 525 Cases, and 108 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. & D. Nos. 39620, 39627, 39646. Sample Nos. 35400-C, 35409-C, 35410-C.)

This product contained excessive mold.

On May 17, 19, and 21, 1937, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 785 cases of tomato catsup at St. Louis, Mo., alleging that the article had been shipped in interstate commerce in part on or about November 3 and 28, 1936, from

Portland, Ind., and in part on or about March 20 and April 1, 1937, from Sunman, Ind., by the Naas Corporation of Indiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Steuben Brand [or "Na-Co High Quality"] \* \* \* Tomato Catsup The Naas Corporation of Indiana, Portland, Ind. [or "Sunman, Ind."]."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On October 12, 1937, no claimant having appeared, judgments of condemnation were entered and the article was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28117. Adulteration of canned beets. U. S. v. 466 Cases of Beets. Default decree of condemnation and destruction. (F. & D. No. 39590. Sample No. 33877-C.)**

This product was in part decomposed.

On May 12, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 466 cases of canned beets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 18, 1937, by the Clyman Canning Co. from Clyman, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cherry Valley Sliced Beets Distributed by Jewel Tea Co. Inc. Barrington, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 15, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed, with the exception of one case from each of 8 codes, which were ordered retained for investigational purposes and placed in the custody of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28118. Adulteration and misbranding of tomato puree. U. S. v. 41 Cases and 42 Cases of Tomato Puree. Decrees of condemnation. Product released under bond for relabeling. (F. & D. Nos. 39506, 39507. Sample Nos. 34659-C, 34667-C.)**

This product was deficient in tomato solids.

On or about April 28, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 42 cases of tomato puree at Laurel, Miss., and 41 cases of tomato puree at Hattiesburg, Miss., alleging that the article had been shipped in interstate commerce on or about March 19, 1937, from New Orleans, La., by the Taormina Corporation, New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Buffalo Brand Tomato Puree \* \* \* Puree di Pomodoro \* \* \* Packed by Taormina Corp. New Orleans, La., Donna, Texas."

It was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for tomato puree, which it purported to be.

Misbranding was alleged in that the statements, "Tomato Puree" and "Puree di Pomodoro," were false and misleading and tended to deceive and mislead the purchaser when applied to an article deficient in tomato solids.

On August 23, 1937, the Taormina Corporation, claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be properly relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28119. Adulteration and misbranding of canned salmon. U. S. v. North Coast Fisheries Co., Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 39478. Sample Nos. 21478-C, 28455-C.)**

This product was labeled pink salmon; whereas one lot consisted in part of chum salmon and the other was in part decomposed.

On June 14, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against North Coast Fisheries Co., Inc., Seattle, Wash., alleging shipment by the defendant on or about September 12, 1936, and October 13, 1936, from the State of Washington into the States of Missouri and Pennsylvania, respectively, of quantities of canned salmon, of which one

lot was misbranded and the other was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "North Bay Pink Salmon \* \* \* Distributed by Wesco Foods Company General Offices, Cincinnati, Ohio."

One lot of the product was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

The other lot was alleged to be misbranded in that the statement "Pink Salmon" was false and misleading and was borne on the labels so as to deceive and mislead the purchaser into the belief that it was pink salmon; whereas it was chum salmon.

On November 15, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28120. Adulteration of canned salmon. U. S. v. Alaska Year Round Canneries Co. Plea of guilty. Fine, \$205 and costs.** (F. & D. No. 39457. Sample Nos. 4669-C, 4670-C, 5576-C, 5577-C, 10884-C, 10897-C, 10900-C, 32363-C, 32380-C.)

This product was in part decomposed.

On June 14, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alaska Year Round Canneries Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about July 29 and August 14, 1936, from the Territory of Alaska into the State of Washington; on or about September 3, 1936, from the State of Washington into the State of Ohio; and on or about August 25, 1936, from the State of Washington into the State of Oklahoma of quantities of canned salmon which was adulterated in violation of the Food and Drugs Act. The product shipped from Alaska was unlabeled. The other shipments were labeled in part, variously: "Edwards Brand Alaska Red Sockeye Salmon Distributed by Wm. Edwards Co. Cleveland"; "Magnolia Brand Red Alaska Sockeye Salmon \* \* \* Distributed by the Wm. Edwards Company, Cleveland"; "Volunteer \* \* \* Fancy Red Alaska Sockeye Salmon \* \* \* Packed for Volunteer Stores, Incorporated of America Chicago, Illinois"; "Quail Brand \* \* \* Sockeye Red Salmon Distributors Ridenour-Baker Mercantile Co. Oklahoma City, Okla."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 4, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$205 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28121. Adulteration of oysters. U. S. v. Washington Lee Tull (W. L. Tull & Bro.). Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 39480. Sample Nos. 28430-C, 28622-C.)

These oysters were packed in excessive free liquid.

On June 22, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Washington Lee Tull, trading as W. L. Tull & Bro., at Crisfield, Md., alleging shipment by the defendant on or about November 23 and December 9, 1936, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce and lower its quality and strength; and in that water had been substituted in part for oysters, which it purported to be.

On November 19, 1937, a plea of guilty was entered by the defendant and he was sentenced to pay a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28122. Misbranding of canned tomatoes. U. S. v. 85 Cases and 1,500 Cases of Canned Tomatoes. Decrees of condemnation. Portion ordered sold by marshal, remainder released under bond to be relabeled.** (F. & D. Nos. 39205, 41009. Sample Nos. 30752-C, 53525-C.)

This product was substandard, since a portion of it was not normally colored and the remainder did not consist of whole or large pieces and was not normally colored or flavored; and it was not labeled to indicate that it was substandard.



On March 12 and December 4, 1937, the United States attorneys for the Western and Southern Districts of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 85 cases of canned tomatoes at El Paso, and 1,500 cases of canned tomatoes at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about December 14, 1935, January 17, 1936, and October 6, 1937, by Albert W. Sisk & Son from Baltimore. Md., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Valley Brand Hand Packed Tomatoes Packed for the Valley Packing Co. Hatch, New Mexico." The remainder was labeled: "Red-Glo Tomatoes—Albert W. Sisk & Son Distributors—Not Manufacturers Preston and Aberdeen Maryland."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since a portion of it was not normally colored and the remainder did not consist of whole or large pieces and was not normally colored or flavored; and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On November 3, 1937, Lord-Mott Co., Baltimore, Md., the intervenor in the proceeding instituted at El Paso, Tex., having withdrawn its appearance, judgment of condemnation was entered and the product was ordered sold by the United States marshal.

On January 24, 1938, A. W. Sisk & Son, having appeared as claimant in the other proceeding and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to claimant under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28123. Misbranding of canned peas. U. S. v. 105 Cases and 64 Cases of Peas. Default decrees of condemnation and destruction. (F. & D. Nos. 39195, 39203. Sample Nos. 31798-C, 31800-C.)**

This product was substandard because the peas were not immature and it was not labeled to indicate that it was substandard.

On March 10 and 12, 1937, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 105 cases of canned peas at Newport News, Va., and 64 cases of canned peas at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about November 4 and 5, 1936, by Howard E. Jones & Co. from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Drug Hill Brand [or "Mason Dixon Brand"] Early June Peas Packed by Lineboro Canning Co. Inc., Lineboro, Md."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On October 14, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28124. Adulteration of tomato soup. U. S. v. 89½ Cases of Tomato Soup. Decree of condemnation and forfeiture and order of destruction. (F. & D. No. 39032. Sample No. 31392-C.)**

This article contained filth resulting from worm infestation.

On February 3, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89½ cases of tomato soup at Danville, Ill., alleging that the article had been shipped in interstate commerce on or about December 30, 1936, by the Morgan Packing Co. from Austin, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mothers Pride Brand Condensed Tomato Soup. \* \* \* Packed for Peyton-Palmer Company, Danville, Illinois."

The article was alleged to be adulterated in that it contained filthy animal or vegetable substances, to wit, worm debris.

On December 10, 1937, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28125. Misbranding of canned cherries. U. S. v. Chehalis Packing Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 39765. Sample No. 36035-C.)**

This product contained an excessive number of pits.

On September 24, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chehalis Packing Co., a corporation, Chehalis, Wash., alleging shipment by the defendant on or about February 22, 1937, from the State of Washington into the State of California of a quantity of canned cherries which were misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Distributed by Smith, Lynden & Co. San Francisco \* \* \* Water Pack Red-Sour-Pitted Cherries."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On October 14, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28126. Misbranding of dairy feed. U. S. v. Golden Grain Mills, Inc. Plea of guilty. Fine, \$75. (F. & D. No. 39761. Sample Nos. 837-C, 838-C, 839-C.)**

This product was deficient in protein.

On July 28, 1937, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Golden Grain Mills, Inc., Rossmoyne, Pa., alleging shipment by the defendant on or about February 9 and March 23 and 29, 1937, from the State of Pennsylvania into the State of Maryland of quantities of dairy feed which was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Golden Grain Mills, Inc. \* \* \* Harrisburg, Penna. Plant Rossmoyne, Penna. Golden Grain Dairy Feed 34%."

Misbranding was alleged in that the statement "Protein (Min.) 34%," borne on the tags attached to the bags, was false and misleading in that it represented that the article contained not less than 34 percent of protein, whereas it contained a less amount; and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser.

On October 20, 1937, a plea of guilty was entered in behalf of the defendant and it was sentenced to pay a fine of \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28127. Adulteration and misbranding of butter. U. S. v. Stanley James Duncan and George Clay Powell (Liberty Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. No. 39788. Sample Nos. 31732-C, 31733-C.)**

This product contained less than 80 percent of milk fat.

On October 2, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Stanley James Duncan and George Clay Powell, trading as the Liberty Creamery Co., alleging shipment by the defendants on or about May 4 and 11, 1937, from the State of Indiana into the State of Ohio of quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "'Countryside' Brand Butter [or 'Sunny Boy Quality Creamery Butter'] \* \* \* Distributed by Countryside Farm Products Co. Cincinnati, Ohio."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as prescribed by the act of March 4, 1923, which it purported to be.

Misbranding was alleged in that the statement "Butter," borne on the wrapper, was false and misleading in that it represented that the article was butter; whereas it was a product which did not contain 80 percent by weight of milk fat.

On October 7, 1937, a plea of guilty was entered on behalf of the defendants and they were sentenced to pay a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28128. Adulteration of canned cherries. U. S. v. R. D. Bodle Co. Plea of guilty. Fine, \$250 and costs. (F. & D. No. 39776. Sample No. 32694-C.)**

Samples of this product were found to contain maggots.

On October 27, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. D. Bodle Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about March 2, 1937, from the State of Washington into the State of Montana of quantities of canned cherries that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Heep Full Brand \* \* \* Packed by Valley Fruit Canning Co. Puyallup, Wash. U. S. A. Red Sour Pitted Cherries."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On November 15, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$250 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28129. Adulteration and misbranding of olive oil. U. S. v. Kakarakis Bros. Plea of guilty. Fine, \$75. (F. & D. No. 39757. Sample Nos. 25574-C, 33523-C, 33524-C, 33525-C.)**

This product consisted in part of corn oil or cottonseed oil.

On September 17, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Kakarakis Bros., a corporation, Chicago, Ill., alleging shipment by the defendant on or about August 7 and 28, 1936, and January 15, 1937, from the State of Illinois into the State of Indiana of quantities of alleged olive oil that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Electra Brand Extra Superfine Pure Olive Oil \* \* \* Imported and packed by Kakarakis Bros. Chicago, Ill."; or "Riviera Brand Pure Olive Oil \* \* \* Kakarakis Bros., Inc. Chicago."

The article was alleged to be adulterated in that cottonseed oil in the case of two lots, and corn oil in the case of the two other lots, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for pure olive oil, which it purported to be.

Misbranding was alleged in that statements borne on the labels, (Electra-brand) "Extra Superfine Pure Olive Oil" and "Warranted Absolutely Pure Olive Oil Under Chemical Analysis," and (Riviera brand) "Pure Olive Oil," were false and misleading since the article was not pure olive oil but was a product containing corn oil in the case of two lots, and cottonseed oil in the case of the two other lots; in that the article was labeled as aforesaid so as to deceive and mislead the purchaser; and in that it was an imitation of olive oil which had been offered for sale under the distinctive name of another article, olive oil.

On October 27, 1937, a plea of guilty was entered on behalf of the defendant and it was sentenced to pay a fine of \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28130. Adulteration of prunes. U. S. v. The McLain Grocery Co. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 39756. Sample No. 14588-C.)**

This product was insect-damaged and was contaminated with insect excreta.

On July 29, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the McLain Grocery Co., a corporation, Massillon, Ohio, alleging shipment by the defendant on or about April 14, 1937, from the State of Ohio into the State of Illinois, of a quantity of prunes that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Richmond Brand Santa Clara Prunes \* \* \* L Redblatt Chicago, Ill."



It was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On November 8, 1937, a plea of nolo contendere was entered and the defendant was sentenced to pay a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28131. Alleged adulteration of canned salmon. U. S. v. Columbia River Packers Association, Inc. Tried to the court. Judgment of not guilty. (F. & D. No. 39474. Sample Nos. 11293-C, 11294-C, 21832-C, 21833-C.)**

On May 17, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Columbia River Packers Association, Inc., Astoria, Oreg., alleging shipment by the defendant on or about August 18, 1936, from the Territory of Alaska into the State of Oregon of quantities of canned salmon that was alleged to be adulterated in violation of the Food and Drugs Act. The product bore no label.

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 15, 1937, the case came on for trial to the court without a jury. On December 20, 1937, the defendant was adjudged not guilty.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28132. Adulteration of canned tuna fish. U. S. v. 360 Cases of Canned Tuna Fish. Default decree of condemnation and destruction. (F. & D. No. 39720. Sample No. 33776-C.)**

This article was canned tuna fish a part of which was decomposed.

On or about June 14, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 cases of canned tuna fish at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 10, 1937, by the Van Camp Sea Food Co. (from San Diego, Calif.), and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Van Camps Chicken of the Sea Select Tuna."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 18, 1937, no claimant having appeared, judgment of condemnation was entered and destruction of the article was ordered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28133. Adulteration of apples. U. S. v. 117 Baskets and 43 Baskets of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40440, 40507. Sample Nos. 58686-C, 62535-C, 62662-C.)**

This product was contaminated with lead.

On September 29 and October 8, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 160 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 28 and October 7, 1937, from Beverley, N. J., by Harry J. Chant and H. J. Chant, respectively, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On October 18 and November 1, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28134. Adulteration of apples. U. S. v. 41 Baskets and 8 Baskets of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40497, 40502. Sample Nos. 62523-C, 62566-C.)**

This product was contaminated with lead.

On October 6 and 7, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 49 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 5 and 6, 1937, from Moorestown, N. J.,

by E. H. Hoehn, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28135. Adulteration of apples. U. S. v. 74 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40506. Sample No. 62567-C.)

This product was contaminated with lead.

On October 6, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 5, 1937, from Marlton, N. J., by Charles Day, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28136. Adulteration of apples. U. S. v. 116 Bushels of Apples. Consent decree of condemnation. Product turned over to a charitable agency.** (F. & D. No. 40471. Sample No. 62314-C.)

This product was contaminated with added lead and arsenic.

On September 20, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 bushels of apples at Ottawa, Kans., alleging that the article had been shipped in interstate commerce on or about September 14, 1937, from Bentonville, Ark., by Herbert Bishop, of Ottawa, Kans., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, a compound of arsenic and lead, which might have rendered it injurious to health.

On October 6, 1937, Herbert Bishop, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered the apples turned over to a charitable agency, and that they be peeled before being used.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28137. Adulteration of apples. U. S. v. 487 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40465. Sample No. 53507-C.)

This product was contaminated with added lead and arsenic.

On or about September 30, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 487 bushels of apples at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 23, 1937, from Marionville, Mo., by Roy Crumeles, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On November 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28138. Adulteration of apples. U. S. v. 291 Bushels of Apples. Consent decree of condemnation. Product released under bond for rewashing.** (F. & D. No. 40492. Sample Nos. 48916-C, 48922-C.)

This product was contaminated with added lead and arsenic.

On September 28, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 291 bushels of apples at Omaha, Nebr., alleging that the article had been transported in interstate commerce on or about September 20, 1937, from the orchard of J. C. Huffaker, Anderson, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 29, 1937, L. Paperny and Sam Colick, claimants for respective portions of the product, having consented to the entry of a decree, judgment of condemnation was entered and the product was released under bond conditioned that it be rewashed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28139. Adulteration of apples. U. S. v. 166 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40441. Sample Nos. 58944-C, 58946-C.)

This product was contaminated with lead.

On September 30, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 166 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 29, 1937, from Riverside, N. J., by J. Austin Haines, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28140. Adulteration of apples. U. S. v. 165 Baskets and 139 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40443. Sample Nos. 62463-C, 62466-C.)

This product was contaminated with lead.

On September 29, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 304 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 28, 1937, from Moorestown, N. J., by Harold L. Collins, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28141. Adulteration of apples. U. S. v. 35 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40444. Sample No. 62469-C.)

This product was contaminated with lead.

In September 29, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 28, 1937, from Marlton, N. J., by B. H. Stow, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28142. Adulteration of apples. U. S. v. 44 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40377. Sample Nos. 58637-C, 58931-C, 62451-C.)

This product was contaminated with lead.

On September 21, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 20, 1937, from Riverton, N. J., by A. L. Richie & Son, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28143. Adulteration of apples. U. S. v. 646 Boxes of Apples. Consent decree of condemnation. Product released under bond.** (F. & D. No. 40425. Sample No. 41154-C.)

This product was contaminated with added lead.

On September 22, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 646 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 13, 1937, from Payette, Idaho, by the J. C. Palumbo Fruit Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained lead, a poisonous or deleterious ingredient, which might have rendered it injurious to health.

On September 24, 1937, the J. C. Palumbo Fruit Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28144. Adulteration of apples. U. S. v. 120 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40491. Sample No. 48247-C.)

The product was contaminated with arsenic and lead.

On October 8, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bushels of apples at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 7, 1937, from Cashtown, Pa., by George Booth, of Baltimore, Md., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead.

On October 8, 1937, George Booth and Peter Booth, the owners, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28145. Adulteration of apples. U. S. v. 41 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40468. Sample No. 58972-C.)

This product was contaminated with lead.

On October 2, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 1, 1937, from Moorestown, N. J., by Paul Panarelli, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28146. Adulteration of apples. U. S. v. 120 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40490. Sample No. 41385-C.)

This product was contaminated with arsenic and lead.

On or about October 2, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bushels of apples at Laredo, Mo., alleging that the article had been shipped in interstate commerce on or about October 1, 1937, from Troy, Kans., trucked by Farmers Exchange to itself at Laredo, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On November 4, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28147. Adulteration of apples. U. S. v. 20 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40505. Sample No. 62547-C.)

This product was contaminated with lead.

On October 9, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 8, 1937, from Mount Holly, N. J., by Eugene E. Beyer, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28148. Adulteration of apples. U. S. v. 150 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40426. Sample No. 43664-C.)

This product was contaminated with lead.

On September 23, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of apples at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about September 9, 1937, from Fort Payne, Ala., by Fugazzi Bros., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained excessive amounts of an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On September 28, 1937, Fugazzi Bros., the owners, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28149. Adulteration of apples. U. S. v. 150 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40411. Sample No. 62353-C.)

This product was contaminated with added lead and arsenic.

On or about September 15, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of

apples at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about September 7, 1937, from Bentonville, Ark., by Pablo Escamillo, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28150. Adulteration of apples. U. S. v. 41 Boxes of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40466. Sample Nos. 56694-C, 56696-C.)

This product was contaminated with lead.

On September 29, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 boxes of apples at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 26, 1937, from Cranbury, N. J., by John H. Barclay, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28151. Adulteration of apples. U. S. v. 21 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40493. Sample Nos. 56978-C, 62632-C.)

This product was contaminated with lead.

On October 5, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 baskets of apples at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, from Beverly, N. J., by E. W. Schmierer, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On October 20, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28152. Adulteration of apples. U. S. v. 54 Hampers of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40467. Sample No. 58971-C.)

This product was contaminated with lead.

On October 2, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 hampers of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 1, 1937, from Moorestown, N. J., by A. Hellmig, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28153. Adulteration of apples. U. S. v. 23 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40472. Sample No. 62491-C.)

This product was contaminated with lead.

On October 2, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against 23 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about



October 1, 1937, from Richwood, N. J., by Louis Reuter, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28154. Adulteration of apples. U. S. v. 13 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40495. Sample No. 62512-C.)**

This product was contaminated with lead.

On October 6, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 5, 1937, from Magnolia, Del., by I. G. Ennis, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28155. Adulteration of apples. U. S. v. 109 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40503. Sample No. 62544-C.)**

This product was contaminated with lead.

On October 11, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 109 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 8, 1937, from Merchantville, N. J., by Larson Horner, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28156. Adulteration of cheese. U. S. v. 20 Cases of Cheese. Default decree of condemnation and destruction. (F. & D. No. 39901. Sample No. 31522-C.)**

This product contained rodent, cow, and human hair.

On June 24, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases, each containing 24 jars, of cheese at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about January 11, 1937, by Wm. Faehndrich, Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "Famous Brand Imported Italian Style Grated Cheese Wm. Faehndrich Inc. New York."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On November 8, 1937, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28157. Adulteration of apples. U. S. v. 22 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40364. Sample No. 37998-C.)**

This product was contaminated with lead.

On September 15, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 baskets of apples at New York, N. Y., alleging that the article had been shipped in inter-

state commerce on or about September 11, 1937, from Moorestown, N. J., by Edward O'Donnell, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On October 2, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28158. Adulteration of apples. U. S. v. 15 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40469. Sample No. 59099-C.)

This product was contaminated with arsenic and lead.

On September 16, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 10, 1937, from Watervliet, Mich., by Gottlieb Radtke, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 24, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28159. Adulteration of apples. U. S. v. 56 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40459. Sample No. 62486-C.)

This product was contaminated with lead.

On October 1, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, from Sewell, N. J., by Samuel McGee, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28160. Adulteration of apples. U. S. v. 75 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40458. Sample No. 59098-C.)

This product was contaminated with arsenic and lead.

On September 16, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 9, 1937, from Benton Harbor, Mich., by Chuck Miles, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Ferdinand Bahm R 1 Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28161. Adulteration of apples. U. S. v. 160 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40457. Sample Nos. 58951-C, 58965-C.)

This product was contaminated with lead.

On October 1, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 160 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, from Monroeville, N. J., by Walter Duhadway, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28162. Adulteration of crab apples. U. S. v. 26 Bushels of Crab Apples. Default decree of condemnation and destruction.** (F. & D. No. 40433. Sample No. 59094-C.)

This product was contaminated with arsenic and lead.

On September 16, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 8, 1937, from Shelby, Mich., by E. P. Johnson & Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28163. Adulteration of crab apples. U. S. v. 50 Bushels of Crab Apples. Default decree of condemnation and destruction.** (F. & D. No. 40432. Sample No. 49444-C.)

This product was contaminated with arsenic and lead.

On September 16, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 12, 1937, from Fennville, Mich., by Sam Wark, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28164. Adulteration of apples. U. S. v. 34 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40431. Sample No. 59133-C.)

This product was contaminated with arsenic and lead.

On September 21, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 13, 1937, from Benton Harbor, Mich., by Ben Lipsitz, consigned to Ben Lipsitz & Sons, Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Packed by Coloma Orchard Co., Coloma, Michigan."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28165. Adulteration of apples. U. S. v. 9 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40410. Sample No. 49429-C.)

This product was contaminated with arsenic and lead.

On September 13, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 7, 1937, from Benton Harbor, Mich., by Eklund Bros., of Chicago, Ill., consigned to themselves, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Packed by Coloma Orchard Co."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28166. Adulteration of apples. U. S. v. 226 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40428. Sample No. 58671-C.)

This product was contaminated with lead.

On September 25, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 226 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 24, 1937, from Palmyra, N. J., by Charles Reidenbaker, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28167. Adulteration of apples. U. S. v. 33 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40366. Sample No. 58619-C.)

This product was contaminated with lead.

On September 17, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 16, 1937, from Moorestown, N. J., by Horace Roberts, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28168. Adulteration of apples. U. S. v. 44 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 48365. Sample No. 58618-C.)

This product was contaminated with lead.

On September 17, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 16, 1937, from Moorestown, N. J., by Walter Roberts, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28169. Adulteration of crab apples. U. S. v. 15 Bushels of Crab Apples. Default decree of condemnation and destruction.** (F. & D. No. 40473. Sample No. 59175-C.)

This product was contaminated with arsenic and lead.

On September 23, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 18, 1937, from Coloma, Mich., by Irving Arent, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28170. Adulteration of apples. U. S. v. 157 Baskets and 78 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. Nos. 40463, 40464. Sample Nos. 27162-C, 38000-C.)

This product was contaminated with lead.

On September 28, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 235 baskets of apples at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 24, 1937, from Bridgeville, Del., by T. S. Smith & Sons, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On October 18, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28171. Adulteration of apples. U. S. v. 37 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40407. Sample No. 37395-C.)

This product was contaminated with lead.

On September 23, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 baskets of apples at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 22, 1937, from Tansboro, N. J., by J. Carvin, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28172. Adulteration of apples. U. S. v. 29 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40504. Sample No. 62545-C.)

This product was contaminated with added lead.

On October 9, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 8, 1937, from Elmer, N. J., by Anthony Bros., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28173. Adulteration and misbranding of food flavor. U. S. v. 2 Bottles of Root Beer Flavor. Default decree of condemnation and destruction. (F. & D. No. 41301. Sample Nos. 65446-C, 65447-C.)**

This product contained about 50 percent of carbital, a commercial solvent composed of a glycol and a glycol ether, poisons.

On December 31, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two bottles of root beer flavor at Berlin, N. J., alleging that the article had been shipped in interstate commerce on or about August 16 and November 15, 1937, by Whittle & Mutch, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Whittle & Mutch Incorporated \* \* \* Philadelphia, Pa."

It was alleged to be adulterated in that an article containing a poisonous substance, a glycol or glycol ether, or both, had been substituted in whole or in part for "Improved 'A' Root Beer Flavor," a food flavor, which the article purported to be; and in that it contained an added poisonous or deleterious ingredient, a glycol or glycol ether, or both, which might have rendered it injurious to health.

It was alleged to be misbranded in that the statement "Improved 'A' Root Beer Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or glycol ether, or both, which are poisons; and in that it was offered for sale under the distinctive name of another article, a food flavor.

On February 17, 1938, no claimant having appeared, judgment of condemnation and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28174. Adulteration and misbranding of butter. U. S. v. 600 Cases and 50 Cases of Butter. Product released under bond to be reworked. (F. & D. Nos. 40500, 40538, 40549. Sample Nos. 53448-C, 53449-C, 53659-C, 53660-C.)**

This product contained less than 80 percent of milk fat.

On September 27 and October 8, 1937, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 650 cases of butter at Mobile, Ala. On October 7, 1937, the libel filed on September 27 was amended. The libels alleged that the article had been shipped in interstate commerce in part on or about July 27, 1937, by the Yorkshire Creamery Co. from Bruce, Miss., and in part on or about August 16, 1937, by John Morrell & Co. from Memphis, Tenn., and that it was adulterated and misbranded in violation of the Food and Drugs Act. A portion was labeled: "Riverdale Brand Creamery Butter \* \* \* Distributed by John Morrell & Co. General Offices Ottumwa, Iowa." The remainder was labeled: "Greer's Moo Girl Creamery Butter \* \* \* Manufactured for Autry Greer & Sons Mobile, Ala."

Adulteration was alleged in substance in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923.

It was alleged to be misbranded in that the statement "Butter" was false and misleading and tended to deceive and mislead the purchaser since it contained less than 80 percent of milk fat.

On November 13, 1937, John Morrell & Co., of Memphis, Tenn., claimant, having admitted the allegations of the libels, judgments were entered ordering that the product be released under bond conditioned that it should not be sold or disposed of until the milk-fat content had been raised to 80 percent.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28175. Adulteration of frozen strawberries. U. S. v. One Barrel of Frozen Strawberries. Default decree of condemnation and destruction. (F. & D. No. 40305. Sample No. 50807-C.)**

This product was in part moldy.

On September 21, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of frozen strawberries at Spokane, Wash., alleging that the article was shipped from Portland, Oreg., in interstate commerce on or about September 9, 1937, by Frisbies



Maple Sugar & Maple Syrup Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid vegetable substance.

On November 18, 1937, no claimant having appeared, judgment of condemnation and order of destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28176. Adulteration of flour. U. S. v. 200 Sacks of Flour. Decree of condemnation. Product released under bond for segregation and denaturing of unfit portion.** (F. & D. No. 40265. Sample No. 53343-C.)

This product was weevil-infested.

On September 9, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 sacks of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 27, 1937, by the G. B. R. Smith Milling Co. from Sherman, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "G. B. R. Smith Milling Co. Sherman Texas Challenge Flour."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 15, 1937, John E. Koerner & Co., New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the bad be separated from the good, if any, and that the former be denatured so that it could not be used for human consumption, but that it might be used as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture*

**28177. Misbranding of preserves. U. S. v. 6 Cases, et al., of Preserves. Decree of condemnation. Products released under bond to be relabeled.** (F. & D. No. 40159. Sample Nos. 15747-C to 15750-C, incl., 43601-C.)

These products were short of the declared weights.

On or about August 23, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure of 266 cases of preserves at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 3 and 8, and July 2, 1937, by G. W. Bagwell from Chattanooga, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The products were variously labeled in part: "G-W Preserves Apricot [or "Blackberry," "Peach," "Raspberry," or "Strawberry"] Net Wt. 16 Ozs. Packed By G. W. Bagwell Chattanooga, Tennessee."

The articles were alleged to be misbranded in that the statement "Net Wt. 16 Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight; they were alleged to be misbranded further in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.

On October 4, 1937, G. W. Bagwell, having appeared as claimant, judgment of condemnation was entered ordering release of the products to claimant under bond conditioned that they be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28178. Misbranding of canned tomatoes. U. S. v. 199 Cases of Tomatoes. Default decree of condemnation. Product delivered to a welfare agency.** (F. & D. No. 40161. Sample No. 44029-C.)

This product was falsely branded as to the State in which it was manufactured.

On or about August 25, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of canned tomatoes at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 15, 1937, by Manatee Cannery, Inc., from Beaufort, S. C., and charging misbranding in violation of the Food and Drugs Act. The product was labeled in part: (Cans) "Pine Tree Brand \* \* \* Tomatoes \* \* \* packed by Manatee Cannery, Inc. Plant City Florida."

The article was alleged to be misbranded in that the statement "Packed By Manatee Cannery, Inc. Plant City Florida" was false and misleading when applied

to tomatoes that were not packed in Florida, and in that it was labeled as aforesaid so as to deceive and mislead the purchaser.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public welfare agency.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28179. Adulteration of canned blackberries. U. S. v. 82 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. & D. No. 39996. Sample Nos. 39455-C, 39468-C.)**

These canned blackberries were moldy.

On July 20, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 cases of canned blackberries at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about May 21, 1937, by John Abbott, from Astoria, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: (Cans) "The Irvine Co. Oakland, California \* \* \* Blackberries."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 20, 1938, no claimant having appeared, judgment of condemnation was entered, and the article was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28180. Adulteration of crab meat. U. S. v. 1 Keg and 15 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 39983. Sample No. 32275-C.)**

This product contained evidence of the presence of filth.

On July 15, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 keg and 15 cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 13, 1937, by V. S. Lankford from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On February 15, 1938, default decree of condemnation and order of destruction of the article was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28181. Adulteration of dairy ration. U. S. v. 204 Sacks of Dairy Ration. Decree of condemnation. Article released under bond for relabeling. (F. & D. No. 39969. Sample No. 2605-C.)**

This product contained less protein and fat and more fiber than declared.

On July 21, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 204 sacks of dairy ration at Mondovi, Wis., alleging that the article had been shipped in interstate commerce on or about April 12, 1937, by the Northern Oats Co., from Minneapolis, Minn., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Front of tag) "16% Dairy Ration Manufactured By Commercial Research Lapp Laboratories \* \* \* Minneapolis, Minnesota"; (reverse side) "Analysis: Protein----16% Fat----3% Fibre----12%."

The article was alleged to be misbranded in that the statements borne on the label were false and misleading and tended to deceive and mislead the purchaser since it contained less protein and fat and more fiber than declared.

On October 2, 1937, the Northern Oats Co., Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered. And it was ordered that the product be released under bond conditioned upon relabeling.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28182. Adulteration of canned cherries. U. S. v. 50 Cartons of Canned Cherries. Default decree of condemnation and destruction. (F. & D. No. 40460. Sample No. 51034-C.)**

This product contained maggots.

On October 9, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the



district court a libel praying seizure and condemnation of 50 cartons of canned cherries at Santa Barbara, Calif., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, from Seattle, Wash., by the National Fruit Canning Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Westag Brand Water Pack Red Sour Pitted Cherries \* \* \* Western States Grocery Company, Distributors Oakland California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 24, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28183. Adulteration of flour. U. S. v. 420 Bags of Flour. Decree of condemnation. Product released under bond for segregation and denaturing of portion unfit for human consumption.** (F. & D. No. 40290. Sample No. 53354-C.)

This article was infested with insects.

On September 15, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 12, 1937, by Kell Mill & Elevator Co., from Wichita Falls, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kell Mill & Elevator Co. Wichita Falls, Texas Western Lily Flour."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 15, 1937, J. F. Pagan, New Orleans, La., having intervened as owner or agent for the owner and having admitted the allegations, judgment of condemnation was entered. It was ordered that the property be released to the claimant under bond conditioned that the bad portion be separated from the good, if any, and the former denatured so that it could not be used for human food, but that it might be used as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28184. Adulteration of flour. U. S. v. 163 Bags of Flour. Decree of condemnation and forfeiture. Article released under bond for segregation and denaturing of portion unfit for human consumption.** (F. & D. No. 40301. Sample No. 53361-C.)

This product was infested with weevils and worms.

On September 16, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 163 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 5, 1937, by Ismert Hincke Milling Co. from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Thunderbolt Flour Ismert Hincke Milling Co., Kansas City."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 15, 1937, Schwartz & Voelkel, New Orleans, La., having intervened as owner or agent for the owner and having admitted the allegations of the libel, judgment of condemnation was entered. The product was ordered released to the claimant under bond conditioned that the bad be separated from the good, if any, and that the former be denatured so that it could not be used for human food, but that it might be used as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28185. Misbranding of canned peas. U. S. v. 300 Cases of Canned Peas. Decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 40165. Same No. 44222-C.)

This product was substandard since the peas were not immature, and it was not labeled to indicate that it was substandard.

On August 23, 1937, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned peas at Charlotte, N. C., alleging the article had been shipped in inter-



state commerce on or about June 26, 1937, by the Southern Packing Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled: (Cans) "Blue-Ri-Co Brand \* \* \* Southern Packing Co., Inc., Smithburg, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On November 29, 1937, the Southern Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28186. Adulteration and misbranding of imitation lemon flavoring. U. S. v. 116 Bottles of Westag Imitation Lemon Flavoring. Default decree of condemnation and destruction. (F. & D. No. 41540. Sample No. 52341-C.)**

This product contained about 10 percent of carbitol, a commercial solvent composed of a glycol and a glycol ether, poisons; and was deficient in citral content and was practically flavorless.

On January 31, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 bottles of imitation lemon flavoring at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about September 13, 1937, by General Food Products Co., from Oakland, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Westag Imitation Lemon Flavoring \* \* \* Distributed by General Food Products Co. Oakland—Calif."

It was alleged to be adulterated in that an article deficient in citral content and containing a poisonous substance, glycol or glycol ether or both, had been substituted wholly or in part for "Imitation Lemon Flavoring," which the article purported to be; in that it had been mixed and colored in a manner whereby inferiority was concealed; and in that it contained an added poisonous or deleterious ingredient, a glycol or glycol ether, or both, which might have rendered it injurious to health.

The article was alleged to be misbranded in that the statement "Imitation Lemon Flavoring" was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing carbitol, a glycol or glycol ether or both, poisons, and which was deficient in citral content and was practically flavorless; it was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, "Imitation Lemon Flavoring."

On February 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28187. Adulteration of butter. U. S. v. 18 Cases and 117 Cartons of Butter. Decree of condemnation and order of destruction. (F. & D. No. 39897. Sample No. 13879-B.)**

This article was deficient in fat and contained foreign material.

On June 26, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases and 117 cartons of butter at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about May 18, 1937, by Swift & Co. from New Rockford, N. Dak., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swifts Brookfield Butter distributed by Swift & Company General Offices Chicago."

The article was alleged to be adulterated in that a substance deficient in fat had been substituted wholly or in part for the article, namely, butter; and in that the article consisted in whole or in part a filthy, decomposed or putrid animal substance.

On October 15, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28188. Adulteration of apples. U. S. v. 65 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40613. Sample No. 49052-C.)

This product was contaminated with arsenic and lead.

On or about October 4, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 bushels of apples at Union City, Ind., alleging that the article had been shipped in interstate commerce on or about September 21, 1937, by C. L. Reeves, of Union City, Ind., from Benton Harbor, Mich., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 9, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28189. Adulteration of candy. U. S. v. 31 Boxes of Candies. Default decree of condemnation and destruction.** (F. & D. No. 40279. Sample No. 53414-C.)

This article was infested with weevils and other insects.

On September 11, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 boxes of candies at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about April 12 and May 18, 1937, by the Pelican State Candy Co. from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pelican State Candy Co. Pelican Brand Candies."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 12, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28190. Adulteration of candy. U. S. v. 41 Dozen Sticks of Mint Candy. Default decree of condemnation and destruction.** (F. & D. No. 40342. Sample No. 53424-C.)

This candy was infested with insects and it contained rodent hairs.

On September 20, 1937, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 dozen sticks of mint candy at Beaumont, Tex., alleging that the article had been shipped in interstate commerce on or about July 29, 1937, by Mistretta & Sotile from Donaldsonville, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Big Five 5¢ Made by Mistretta & Sotile, Donaldsonville, La."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28191. Adulteration and misbranding of lime and lemon flavors. U. S. v. 18 Gallon Bottles of Liquid-Pep Lime Mixer, et al. Default decree of condemnation and destruction.** (F. & D. No. 39675. Sample Nos. 20628-C, 20629-C, 20630-C.)

These products consisted of acid solutions, artificial color, and citrus-peel oil, containing little or no citrus juice; but were labeled to indicate that they were fruitade bases.

On June 9, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 gallon and 76 quart bottles of the products, hereinafter-described, at Providence, R. I., alleging that they had been shipped in interstate commerce on or about May 20, June 10, and August 5 and 10, 1936, from Springfield, Mass., by Haynes Products Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Haynes Lime Flavor [or "Lemon Flavor" or "Liquid-Pep Lime"] Mixer \* \* \* Haynes Products Co., Inc. Springfield, Mass."

The articles were alleged to be adulterated in that imitation lemon or lime juice consisting of an acid solution, artificial color, and citrus-peel oil containing little, or no, lemon or lime juice, had been mixed and packed therewith so as to reduce or lower their quality and strength and had been substituted wholly or in part for lemon juice and lime juice, which they purported to be; and in that they had been mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Liquid-Pep Lime Mixer Full Strength \* \* \* Natural Juice \* \* \* A mixture of Selected Parts Found in Fresh Lime Juice \* \* \* Certified by U. S. Dept. of Agriculture," and "Lime [or "Lemon"] Flavor \* \* \* Use Like Lime [or "Lemon"] Juice," were false and misleading and tended to deceive and mislead the purchaser when applied to such articles; and in that they were imitations of other articles, lemon and lime juices.

On September 9, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28192. Adulteration and misbranding of macaroni products. U. S. v. Western Macaroni Manufacturing Co. Plea of guilty. Fine, \$43. (F. & D. No. 39745. Sample Nos. 31233-C, 31236-C, 31237-C.)**

These products were adulterated, since they were made from hard wheat flour and were artificially colored with annato so as to simulate the appearance of products made from semolina. Some were misbranded since they were labeled "Semolina," and certain lots failed to bear on the label a statement of the quantity of the contents of the packages.

On September 11, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Macaroni Manufacturing Co., a corporation, Salt Lake City, Utah, alleging shipment by the defendant between the dates of October 14 and November 28, 1936, from the State of Utah into the State of Montana of quantities of macaroni products that were adulterated and misbranded in violation of the Food and Drugs Act. Portions were labeled: "Macaroni [or "Spaghetti"] Carnation Brand Made With Hard Wheat Flour." The remainder were labeled: "Queen's Taste Made of Durum Semolina [or "A-1 Semolina" or "Semolina Products"]." Both brands were labeled further: "Western Macaroni Mfg. Company, Inc., Salt Lake City."

Both brands were alleged to be adulterated in that they were products inferior to macaroni products made of semolina or durum semolina, namely, products made of hard wheat flour other than semolina; and were artificially colored with a dye, annato, so as to simulate the appearance of macaroni products made from semolina or durum semolina, and in a manner whereby their inferiority to macaroni products made from semolina or durum semolina was concealed. The product labeled "Queen's Taste" was alleged to be adulterated further in that such artificially colored imitation macaroni products made of hard wheat flour had been substituted for articles made of semolina or durum semolina, which they purported to be.

Misbranding was alleged in the case of certain lots in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. Misbranding of the Queen's Taste brand was alleged in that the statements, "Made of Durum Semolina," "A-1 Semolina," and "Semolina Products," variously borne on the packages, were false and misleading and were borne on the labels so as to deceive and mislead the purchaser since they represented that the articles were macaroni products made of semolina or durum semolina; whereas they were artificially colored products made of hard wheat flour other than semolina or durum semolina.

On November 8, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$43.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28193. Adulteration of canned tuna fish. U. S. v. 51 Cases and 545 Cases of Canned Tuna (and 1 other seizure action). Decrees of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. & D. Nos. 39993, 39994, 40059, 40060, 40061. Sample Nos. 33582-C, 33583-C, 33586-C, 33587-C, 33588-C.)**

This product was in part decomposed.

On July 24 and August 13, 1937, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed



in the district court libels praying seizure and condemnation of 651 cases of canned tuna in various lots at Fort Wayne, Portland, and Bluffton, Ind., alleging that the article had been shipped in interstate commerce on or about May 10, 1937, by the Van Camp Sea Food Co., in part from San Diego and in part from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chicken of the Sea Brand California Select Tuna \* \* \* Packed by Van Camp Sea Food Company, Inc. Main Office Terminal Island Los Angeles Harbor Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On August 11 and September 13, 1937, the Van Camp Sea Food Co., Inc., Terminal Island, Calif., having appeared as claimant and having filed an answer admitting the allegations of the libel, judgment of condemnation and forfeiture was entered. The product was released under bond conditioned that the decomposed portion be sorted out and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28194. Misbranding of canned peas. U. S. v. 75 Cases of Canned Peas (and 2 other actions against the same product). Default decrees entered. Portion ordered delivered to charitable agencies; remainder condemned and destroyed.** (F. & D. Nos. 39719, 39859, 40341. Sample Nos. 27126-C, 27310-C, 27311-C.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On June 11, June 14, and September 20, 1937, the United States attorneys for the District of New Jersey and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 100 cases of canned peas at Newark, N. J., and 49 cartons of canned peas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about March 23, May 8, and June 9, 1937, by D. E. Foote & Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "Our Leader [or "Foote's Best Brand"] Early June Peas Packed by D. E. Foote & Co., Incorporated, Baltimore, Maryland."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On October 26, 1937, no claimant having appeared for the property, the lots seized at Newark, N. J., were ordered delivered to charitable agencies and on the same date the lot seized at Brooklyn, N. Y., was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28195. Adulteration and misbranding of fruit flavors. U. S. v. 116 Dozen Bottles of Assorted Flavors. Default decree of condemnation and destruction.** (F. & D. No. 39639. Sample Nos. 35084-C to 35089-C, incl.)

These products were imitation fruit flavors consisting of tartaric-acid solutions, artificial colors, and artificial fruit flavors, containing little or no fruit juice.

On May 21, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 dozen bottles of assorted flavors at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about April 16, 1937, from Brooklyn, N. Y., by Safe Owl Products, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Tasty-Ade Strawberry [or "Cherry," "Raspberry," or "Grape"] Flavor \* \* \* Safe Owl Products, Inc. Brooklyn, N. Y."

The articles were alleged to be adulterated in that imitation fruit flavors consisting of tartaric-acid solutions, artificial colors, and artificial fruit flavors, containing little or no fruit juice, had been substituted for cherry, strawberry, raspberry, and grape flavors, which they purported to be.

They were alleged to be misbranded in that the statements, "Strawberry [or "Cherry," "Raspberry," or "Grape"] Flavor," were false and misleading and tended to deceive and mislead the purchaser when applied to articles that

were imitation flavors; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On September 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28196. Adulteration of flour. U. S. v. 130 Bags of Flour. Decree of condemnation. Product released under bond for segregation and denaturing of unfit portion. (F. & D. No. 40249. Sample No. 53533-C.)**

This product was infested with weevils and other insects.

On September 4, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 14, 1937, by Hungarian Flour Mills from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Monarch Patent The Hungarian Flour Mills Denver Colo Bleached Patent Flour from the Golden West."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 15, 1937, J. S. Waterman & Co. Inc., New Orleans, La., having filed a claim as owner or agent of the owner and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the bad be separated from the good, if any, and the former denatured so that it could not be used for human food, but that it might be used for animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28197. Adulteration of frozen egg yolk. U. S. v. 523 Cans of Frozen Sugared Egg Yolk. Consent decree of condemnation. Product released under bond for separation, segregation, and relabeling of good portion, and destruction of the remainder. (F. & D. No. 39905. Sample No. 8896-C.)**

This article was in whole or in part decomposed.

On June 24, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 523 cans of frozen sugared egg yolk at Jersey City, N. J., alleging that the article had been shipped on or about March 15, 1937, in interstate commerce by Best Foods, Inc., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled "Packed and Distributed by Utah Poultry Producers Cooperative Assn. Salt Lake City, Utah."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 15, 1938, Best Foods, Inc., New York, N. Y., having appeared as claimant, having filed an answer admitting the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered. The product was released under bond conditioned upon the separation, segregation, and relabeling of such of the cans of the article as complied with Federal and State acts, and destruction of the remainder.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28198. Adulteration of peanuts. U. S. v. 250 Bags of Peanuts. Default decree of condemnation and forfeiture. Order of destruction. (F. & D. No. 40349. Sample No. 36807-C.)**

This article was insect-infested.

On September 23, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 unlabeled bags of peanuts at Cincinnati, Ohio, consigned on or about August 17, 1937, alleging that they had been shipped in interstate commerce by the Albany Peanut Co. from Albany, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28199. Adulteration of crab meat. U. S. v. 172 Cans and 47 Cans of Crab Meat. Decree of condemnation and destruction.** (F. & D. No. 40348. Sample No. 42252-C.)

This product contained evidence of the presence of filth.

On August 28, 1937, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 219 cans of crab meat at York, Pa., alleging that the article had been shipped in interstate commerce on or about August 24, 1937, by White & Nelson from Hoopersville, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 2, 1937, no claimant having appeared, judgment was entered and destruction of the property was ordered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28200. Adulteration of flour. U. S. v. 242 Sacks of Flour. Decree of condemnation. Article released under bond for segregation and denaturing of portion unfit for human consumption.** (F. & D. Nos. 40294, 40295. Sample Nos. 53356-C, 53357-C.)

This article was infested with insects.

On September 15, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 242 sacks of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 2, 1937, by the International Milling Co. from Greenville, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Prince [or "Texas Prince"] Flour Milled by International Milling Co. Greenville, Texas."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 15, 1937, P. L. Thompson & Co., New Orleans, La., intervened as owner or agent for the owner and having admitted the allegations, judgment of condemnation was entered. It was ordered that the property be released to the claimant under bond conditioned that the bad portion be separated from the good, if any, and denatured so that it could not be used for human food, but that it might be used for animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



# INDEX TO NOTICES OF JUDGMENT 28001-28200

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 Apple butter. *See* Preserves, jams, and  
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Anthony Bros	28172
Apple Growers Association	28068
Ashman, F. L.	28052
Bahm, Bertha	28106
Bahm, Ferdinand	28160
Barclay, J. H.	28150
Battles, Charles	28075
Beyer, E. E.	28147
Bishop, Herbert	28136
Booth, George	28144
Borden, F. B.	28047
Busby, T. H.	28045
Carvin, J.	28171
Chabot, Herbert	28079
Chant, H. J.	28133
Clapper, W. L.	28055
Collins, A. L.	28002
Collins, C. A.	28054
Collins, Harold	28104, 28140
Coloma Orchard Co.	28164, 28165
Crumeles, Roy	28137
Day, Charles	28135
Denneler, Herman	28053
Di Bella, Joe	28051
Digerolamo, A.	28074
Duhadway, Walter	28161
Eklund Bros	28165
Ellis, H.	28109
Empire Fruit & Produce Co.	28039
Ennis, I. G.	28154
Escamillo, Pablo	28149
Farmers Exchange	28146
Fugazzi Bros	28148
Graham, Nelson	28106
Groteluschen, Douglas	28040
Haines, Austin	28043
Haines, Hiram	28057
Haines, J. A.	28139
Hall, H. F.	28049
Hamilton, L. C.	28001
Harris, L. C.	28041
Hellmig, A.	28152
Hoehn, E. H.	28134
Horner, Larson	28155
Huffaker, J. C.	28138
Iulnicci, John	28050
Jones, C. M.	28080
Lipsitz, Ben.	28164
Lipsitz, Ben, & Sons	28164
Lull, August	28106
Maples City Market	28072
Maples, G. L.	28072
Maxim, E. L.	28039
McGee, Samuel	28159
Mielke, G. F.	28041
Miles, Chuck	28160
Mood, Lewis	28048
Niepling, F. S.	28046
O'Donnell, Edward	28157
Palumbo, J. C., Fruit Co.	28143
Panarelli, Paul	28145
Pannerelli, Paul	28044
Pictor's Open Air Market	28105
Radtke, Gottlieb	28158
Reeves, C. L.	28188
Reidenbaker, Charles	28166
Reuter, Louis	28153
Richie, A. L., & Sons	28142
Roberts, Horace	28167

Apples—Continued.	N. J. No.
Roberts, Preston	28076
Roberts, Walter	28163
Roland Ormsby Orchard	28040
Rosenbaum, Fred	28105
Rosenthal & Stockfish	28052
Schlipp, Julius	28078
Schmierer, E. W.	28151
Sheldon, G. F.	28038
Sheridan, Mary	28042
Shlensky, H., & Sons	28079
Shlensky, Hyman	28079
Smith, J. F.	28078
Smith, T. S., & Sons	28170
Souders, Fletcher	28056
Stow, B. H.	28141
Tonkin, Stanley	28006
Weisberg, Abe	28078
Zimmerman, R. E.	28108
crab:	
Alex, Peter	28004
Arendt, Irving	28169
Johnson, E. P.	28005
Johnson, E. P., & Co.	28162
Uptegrove Ernest	28003
Wark, Sam	28007, 28163
Weber, Erwin	28003
Beets, canned:	
Clyman Canning Co.	28117
Jewel Tea Co., Inc.	28117
Lee, H. D., Mercantile Co.	28095
Mammoth Springs Canning Co.	28093
Beverages and beverage bases—	
cherry flavor:	
Safe Owl Products, Inc.	28195
grape flavor:	
Safe Owl Products, Inc.	28195
lemon flavor:	
General Food Products Co.	28186
Haynes Products Co., Inc.	28191
juice:	
Banner Bros.	28064
Castle Products Co., Inc.	28064
Sunkist Fruit Juice Co.	28066
lime flavor:	
Haynes Products Co., Inc.	28191
raspberry flavor:	
Safe Owl Products, Inc.	28195
root beer flavor:	
Whittle & Mutch, Inc.	28173
strawberry flavor:	
Safe Owl Products, Inc.	28195
Thirst Ade:	
Household Specialty Co.	28061
McAtee, R. C., Co.	28061
Tru-Fruit Swans Down Ade:	
McAtee, R. C., Co.	28061
Blackberries, canned:	
Abbott, John	28179
Irvine Co.	28179
Blueberries:	
Davis, Thomas	28100
Butter. <i>See</i> Dairy products.	
Candy:	
Mistretta & Sotile	28190
Pelican State Candy Co.	28189
Cheese. <i>See</i> Dairy products.	
Cherries, canned:	
Bodle, R. D., Co.	28128
Chehalis Packing Co.	28125
National Fruit Canning Co.	28182
Smith, Lynden & Co.	28125
Valley Fruit Canning Co.	28128
Western States Grocery Co.	28182

Coffee:	N. J. No.	Fish and shellfish—Continued.	N. J. No.
Interstate Coffee Co.-----	28088	salmon, canned—Continued.	
Johnson Bros.-----	28088	Ocean Packing Co.-----	28035
Smith, C. E.-----	28088	Pioneer Sea Foods Co.-----	28037
Cottonseed meal. <i>See</i> Feed, cottonseed		Premier Salmon Co.-----	28059
products.		Ridenour-Baker Mercantile Co.-----	28120
Crab meat. <i>See</i> Fish and shellfish.		Snug Harbor Packing Co.-----	28058
Dairy feed. <i>See</i> Feed.		Volunteer Stores, Incorporated,	
Dairy products—		of America-----	28120
butter:		Wesco Foods Co.-----	28119
Countryside Farm Products Co.-----	28127	Western Pacific Packing Co.-----	28034
De Luxe Foods Corporation.-----	28085	shrimp, canned:	
Duncan, S. J.-----	28127	Clover Farm Stores-----	28023
Gillespie, R. S.-----	28093	Deer Island Fish & Oyster Co.-----	28023, 28090
Greer, Autry, & Sons.-----	28174	28036, 28090	
Liberty Creamery Co.-----	28127	Mays, L. C., Co., Inc.-----	28024
Morrell, John, & Co.-----	28174	Owens, R. F., Co.-----	28023
Piedmont Creamery-----	28093	Skrimetta, Marko-----	28036
Powell, G. C.-----	28127	Skrimetta, P. C.-----	28023, 28024
Producers Creamery-----	28069	Standard Grocery Co.-----	28036
Red & White Stores-----	28069	tuna, canned:	
Swift & Co.-----	28187	Smart & Final Co., Ltd.-----	28082
Wright, W. D., Produce Co.-----	28065	Van Camp Sea Food Co.-----	28025, 28082, 28132, 28193
Yorkshire Creamery Co.-----	28071, 28174	Flour:	
cheese:		Ballard & Ballard Co., Inc.-----	28070
Faehndrich, Wm., Inc.-----	28156	Hungarian Flour Mills-----	28196
milk mineral salts:		International Milling Co.-----	28200
De-Raef Corporation-----	28103	Ismert Hincke Milling Co.-----	28184
Fear, E. D.-----	28103	Kell Mill & Elevator Co.-----	28183
Damson plums. <i>See</i> Plums.		New South Flour Co.-----	28070
Egg yolk, frozen:		Smith, G. B. R., Milling Co.-----	28176
Best Foods, Inc.-----	28197	Fruit	
Highway Butter & Egg Co.-----	28097	flavors. <i>See</i> Beverages and	
Utah Poultry Producers Coop-		beverage bases.	
erative Association-----	28197	Honey:	
Feed—		Jams. <i>See</i> Preserves, jams, and jellies.	
cottonseed products:		Bagwell, G. W.-----	28062
Perkins Oil Co.-----	28018	Jellies. <i>See</i> Preserves, jams, and	
dairy feed:		jellies.	
Commercial Research Lapp Lab-		Lemon flavor. <i>See</i> Beverages and	
oratories-----	28181	beverage bases.	
Golden Grain Mills, Inc.-----	28126	juice. <i>See</i> Beverage and beverage	
Northern Oats Co.-----	28181	bases.	
oats, ground:		Lime flavor. <i>See</i> Beverages and bev-	
Hugo Milling Co.-----	28098	erage bases.	
Okene Milling Co.-----	28098	Macaroni products—	
Shawnee Milling Co.-----	28098	Western Macaroni Manufactur-	
Fish and shellfish—		ing Co.-----	28107, 28182
crab meat:		noodles:	
Coulbourne & Jewett.-----	28087	Viviano, V., & Bros. Macaroni	
Coulbourne, W. H. T.-----	28087	Manufacturing Co.-----	28102
Howeth, C. W.-----	28086	Maple sirup:	
Howeth, Charles W., & Bro.-----	28086	McPhlenny Bros.-----	28113
Howeth, Robert-----	28086	Milk mineral salts. <i>See</i> Dairy products.	
Jewett, F. S.-----	28087	Noodles. <i>See</i> Macaroni products.	
Lankford, V. S.-----	28180	Oats. <i>See</i> Feed.	
Ryan, M. J.-----	28087	Oil, olive:	
White & Nelson-----	28199	Bettola Grocery-----	28083
oysters:		Brass City Paper Co.-----	28110
Tull, W. L.-----	28121	Bressi, V.-----	28110
Tull, W. L., & Bro.-----	28121	Kakarakis Bros.-----	28129
salmon, canned:		Monacelli, Paul-----	28083
Alaska Packers Association-----	28112	Onion powder:	
Alaska Red Salmon Packers,		Sokol & Co.-----	28111
Inc.-----	28030	Oysters. <i>See</i> Fish and shellfish.	
Alaska Southern Packing Co.,		Peanut butter:	
Inc.-----	28028	Southland Peanut Products Co.-----	28063 ✓
Alaska Year Round Canneries		Wahking, A., & Sons.-----	28063
Co.-----	28120	Peanuts:	
California Packing Corpora-		Albany Peanut Co.-----	28198 ✓
tion-----	28112	shelled:	
Columbia River Packers Asso-		Southern Cotton Oil Co.-----	28067 ✓
ciation-----	28131	Pears:	
Deep Sea Salmon Co.-----	28027	Bangor Fruit Growers Ex-	
Douglas Fisheries Co., Inc.-----	28032	change-----	28016
Edwards, Wm., Co.-----	28120	Cohen-Gordon Co.-----	28012
Emard, H. J.-----	28031	Council, M. L.-----	28014
Emard Packing Co.-----	28031	Gomberg, S., & Co.-----	28009
Harris, P. E., & Co.-----	28033	Kulinsky, Phillip-----	28013
Jones, Al-----	28060	Lincoln Farmers Fruit & Sup-	
Kelley-Clarke Co.-----	28034	ply Co.-----	28009
Kustatan Packing Co.-----	28060	Lucker, V. S.-----	28011
Lindenberger Packing Co.-----	28089	Nemitz Bros.-----	28015
Low Trading Co.-----	28029	Pappas, James-----	28010
North Coast Fisheries Co., Inc		Ressel, Henry-----	28052
28030, 28119		Rosenthal & Stockfish-----	28052
		Sawyer Fruit Co.-----	28011
		Spagnolo, J.-----	28008
		Steinke, A. T.-----	28015

<sup>1</sup> Contested case.

	N. J. No.		N. J. No.
Peas, canned:		Thirst Ade. <i>See</i> Beverages and beverage bases.	
Foote, D. E., & Co., Inc.-----	28194	Tomato catsup:	
Jones, Howard E., & Co.-----	28123	Naas Corporation of Indiana--	28116
Lineboro Canning Co.-----	28123	San Carlos Canning Co.-----	28096
McGrath, H. J., Co.-----	28077	Tomato Packing Corporation--	28096
Southern Packing Co., Inc.-----	28185	paste:	
Plums, damson:		Acerno Bros.-----	28091
Jochem Bros.-----	28021	Alonge, Paolo, & Bros.-----	28092
Schultz, H.-----	28021	Harbor City Food Corporation-----	28092
Preserves, jams, and jellies—		Seeman Bros., Inc.-----	28019
apple butter:		Solafani Bros.-----	28091
Gruber-Thomas Preserve Co.--	28115	West Coast Packing Co.-----	28019
Kroger Grocery & Baking Co.--	28115	puree:	
jellies:		Frazier Packing Corporation--	28094
Carolina Mushroom Growers, Inc.-----	28020	Taormina Corporation-----	28118
preserves and jams:		Ward, C. E., & Sons-----	28094
Bagwell, G. W.-----	28177	soup:	
Carolina Mushroom Growers, Inc.-----	28020	Morgan Packing Co.-----	28124
Lutz & Schramm Co.-----	28081	Peyton-Palmer Co.-----	28124
Prunes:		Tomatoes, canned:	
McLain Grocery Co.-----	28130	Allen Packing Co., Inc.-----	28099
Redblatt, L.-----	28130	Barren Creek Canning Co.-----	28101
Quinces:		Lewis Canning Co.-----	28101
Pettit, M. M.-----	28017	Manatee Cannery, Inc.-----	28178
Raisins:		Ritchie, A. B., Canning Co.-----	28101
Allston Grocery Co.-----	28114	Sisk, Albert W., & Son-----	28122
Del Rey Packing Co.-----	28026	Sunshine Canning Corporation--	28099
Root beer flavor. <i>See</i> Beverages and beverage bases.	28114	Val Vita Food Products, Inc.-----	28073
Salmon. <i>See</i> Fish and shellfish.		Valley Packing Co.-----	28122
Shrimp. <i>See</i> Fish and shellfish.		Tru-Fruit Swans Down Ade. <i>See</i> Beverages and beverage bases.	
Spaghetti. <i>See</i> Macaroni products.		Tuna. <i>See</i> Fish and shellfish.	
Spinach, canned:		Vinegar:	
Stokely Bros. & Co.-----	28022	Interstate Fruit Product Co.-----	28084
Strawberries, frozen:		Ridgeville Cider & Vinegar Co.-----	28084
Frisbie Maple Sugar & Maple Syrup Co.-----	28175	Worthington, C. T.-----	28084





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U. S. Department of Agriculture

Issued August 1938

## United States Department of Agriculture

### FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

28201-28300

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 26, 1938]

**28201. Adulteration of apples. U. S. v. 75 Bushels and 10 Bushels of Apples. Default decrees of condemnation and destruction.** (F. & D. Nos. 40344, 40345. Sample Nos. 43981-C, 43982-C.)

This product was contaminated with lead.

On September 14, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 175 bushels of apples at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about September 1, 1937, from Cornelia and Clarksville, Ga., by Mitchell Alexander and J. D. Mercer, partners trading as Alexander & Mercer, to themselves at Birmingham, Ala., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained lead, an added poisonous or deleterious substance, which might have rendered it injurious to health.

On October 25, 1937, no claimant having appeared, judgments of condemnation were entered and destruction of the property was ordered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28202. Adulteration of apples. U. S. v. 168 Boxes and 29 Boxes of Apples. Default decree of condemnation and destruction.** (F. & D. Nos. 40373, 40374. Sample Nos. 37732-C, 37733-C, 37997-C.)

This product was contaminated with lead.

On September 15, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 197 boxes of apples at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 10, 12, and 13, 1937, from Freehold, N. J., by L. N. Applegate, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On October 2, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28203. Adulteration of apples. U. S. v. 120 Bushels of Apples. Consent decree of condemnation and destruction.** F. & D. No. 40376. Sample No. 56453-C.)

This product was contaminated with arsenic and lead.

On or about September 15, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bushels of apples at Austin, Tex., alleging that the article had been shipped in interstate commerce on or about September 6, 1937, from Springdale, Ark., by Brown Produce Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, rendering it harmful to health.

On October 19, 1937, consent having been entered by the owner, E. A. Brown, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28204. Adulteration of apples. U. S. v. 31 Baskets and 64 Baskets of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40379, 40380. Sample Nos. 58638-C, 58655-C.)**

This product was contaminated with lead.

On September 22 and 23, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 95 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 18 and 22, 1937, from Moorestown, and Marlton, N. J., by Byron T. Roberts, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28205. Adulteration of prunes. U. S. v. 104 Boxes of Dried Prunes. Default decree of condemnation and destruction. (F. & D. No. 40865. Sample No. 51653-C.)**

This product was insect-infested, moldy, and decomposed.

On November 18, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 boxes of prunes at Walla Walla, Wash., alleging that the article had been shipped in interstate commerce on or about May 28, 1937, by Allen Fruit Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of insect-infested, moldy, and decomposed prunes.

On December 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28206. Adulteration and misbranding of flour. U. S. v. 240 Bags, 81 Bags, and 68 Bags of Flour. Decrees of condemnation. Product released under bond to be disposed of for purposes other than human food. (F. & D. Nos. 40350, 40363, 40372. Sample Nos. 53440-C, 53441-C, 53442-C.)**

Samples of this product were found to be infested with weevils and other insects. A portion was bleached but its label bore no statement to that effect.

On September 25, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 389 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 20, August 20, and September 2, 1937, from Shawnee, Okla., by the Shawnee Milling Co., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Shawnee Chief Extra High Patent Shawnee Milling Company Shawnee Oklahoma." The remainder was labeled: "Golden Crust Guaranteed Flour \* \* \* Shawnee Milling Co. Shawnee Okla. Bleached." On October 15, 1937, the libels filed against the Shawnee Chief brand were amended to charge that the product was also misbranded.

The article in all lots was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding of the Shawnee Chief brand was alleged in that it was bleached, although the label contained no statement of such fact.

On October 15, 1937, the Shawnee Milling Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that the portion fit for human consumption be segregated and relabeled and the remainder used for animal feed or for some purpose other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28207. Adulteration of Brazil nuts. U. S. v. 17 Bags, 80 Bags, and 12 Bags of Brazil Nuts. Decree of condemnation. Product released under bond.** (F. & D. Nos. 40684, 40862, 40863, 40864. Sample Nos. 62587-C, 62597-C to 62599-C, incl.)

Samples of this product were found to be moldy, rancid, or decomposed.

On November 6 and 17, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 109 bags of Brazil nuts at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 30 and October 5 and 26, 1937, by Wm. A. Higgins & Co. from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Taste Best [or "New Crop Holly"] Brand."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On November 24, 1937, Wm. A. Higgins & Co., Inc., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it not be disposed of contrary to law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28208. Adulteration and misbranding of potatoes. U. S. v. 360 Bags of Potatoes. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 40675. Sample No. 43537-C.)

This product was represented to be U. S. Grade No. 1 potatoes, but was below the grade stated on the label.

On November 3, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bags of potatoes at Columbus, Ohio, alleging that they had been shipped in interstate commerce on or about October 26, 1937, from Millbrook, Mich., by C. H. Runciman, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Runciman Lowell Brand Michigan Potatoes U. S. Grade No. 1 C. W. Runciman Lowell Mich."

The article was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted wholly or in part for Grade No. 1 potatoes, which it purported to be.

Misbranding was alleged in that the statement, "U. S. Grade No. 1," was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. Grade No. 1.

On November 8, 1937, C. H. Runciman, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28209. Adulteration and misbranding of Olorine. U. S. v. 6 Tins and 2 Cans of Olorine. Default decree of condemnation and destruction.** (F. & D. No. 40419. Sample Nos. 56529-C, 56530-C.)

This product purported to be a pure vegetable product but contained mineral oil.

On October 2, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six tins and two cans of Olorine at Paterson, N. J., alleging that the article had been shipped in interstate commerce on or about February 18 and March 19, 1937, from New York, N. Y., by Hy-Score Products, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part: "Hy-Score Brand Olorine A pure vegetable product \* \* \* Mfg'd By Hy-Score Products, Inc. New York, N. Y."

The article was alleged to be adulterated in that mineral oil having no food value had been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength and had been substituted for the article, which purported to be a food, as indicated by the directions for use.

Misbranding was alleged in that the statement borne on the label, "a pure vegetable product," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained mineral oil, since mineral oil is not a vegetable product.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28210. Adulteration of canned tomatoes. U. S. v. 998 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. No. 40450. Sample No. 33769-C.)**

This product was undergoing progressive decomposition.

On October 7, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 998 cases of canned tomatoes at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about September 16, 1937, from Tipton, Ind., by Willow Brook Canning Co. from Tipton, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Willow Brook Brand \* \* \* Indiana Hand Packed Tomatoes Packed by Willow Brook Canning Company, Inc. Tipton, Indiana."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On November 2, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28211. Adulteration of imitation lemon flavor. U. S. v. 8 Jugs of Imitation Lemon Flavor. Default decree of condemnation and destruction. (F. & D. No. 40531. Sample No. 54103-C.)**

This product was represented to be an imitation lemon flavor, whereas it had practically no flavoring strength.

On or about October 25, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight jugs of imitation lemon flavor at Atlanta, Ga., alleging that it had been shipped in interstate commerce on or about September 15, 1937, from Montgomery, Ala., by Schloss & Kahn Grocery Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "HTC Brand Imitation Lemon Flavor \* \* \* Hudson Tea & Spice Co., Inc. Brooklyn, N. Y."

The article was alleged to be adulterated in that a worthless product had been substituted for imitation lemon flavor, which it purported to be.

On November 20, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28212. Misbranding of canned cherries. U. S. v. 97 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40358. Sample No. 20999-C.)**

This product fell below the standard established by this Department and was not labeled to indicate that it was substandard.

On September 27, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 97 cases of canned cherries at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about August 12, 1937, from Rochester, N. Y., by Curtice Bros. Co., and charging misbranding in violation of the Food and Drugs Act. A portion was labeled: "Tastewell Brand Red Pitted Cherries Water Pack \* \* \* National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago, Ill." The remainder was labeled: "Tastewell Brand Red Pitted Cherries in Juice \* \* \* Water Pack." The statement "Water Pack" was inconspicuously placed on a side panel.

The libel alleged that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than one cherry pit per 20 ounces of net contents, and it was packed in water, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard. Misbranding was alleged further in that the statement "In Juice," borne on the label of a portion of the article was false and misleading and tended to deceive and mislead the purchaser when applied to cherries packed in water; and it was not corrected by the inconspicuous statement on the side panel, "Water Pack."

On November 22, 1937, Curtice Bros Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment

of condemnation was entered, and the product was ordered released under bond conditioned that it be properly relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28213. Adulteration of butter. U. S. v. 19 Cubes of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40670. Sample No. 51039-C.)**

This product was moldy.

On October 22, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 12, 1937, from Butte, Mont., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in in whole or in part of a filthy, decomposed, or putrid animal substance, examination of the same showing the butter to be moldy. The article was labeled: "Sweet Grass C Big Timb. Mont."

On October 27, 1937, Sweet Grass County Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond for reworking to conform to the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28214. Adulteration of rabbits. U. S. v. 7 Sacks of Rabbits, et al. Consent decree of condemnation. Unfit portion ordered destroyed and wholesome portion ordered sold. (F. & D. Nos. 40687, 40695, 40713. Sample Nos. 60650-C, 60651-C, 60655-C.)**

A portion of this product was decomposed and a portion was infested with parasites.

On November 9 and 10, 1937, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 sacks of rabbits at Denver, Colo., consigned by Ricardo Produce Co., Ricardo, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 3, 4, and 6, 1937, from Ricardo, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 18, 1937, Ricardo Produce Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the unfit portion of the product was ordered destroyed and the wholesome portion was ordered sold.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28215. Misbranding of canned cherries. U. S. v. 74 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40872. Sample No. 60566-C.)**

This product fell below the standard established by this Department because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On November 18, 1937, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cases of canned cherries at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about September 15 and October 8, 1937, from Canon City, Colo., by Ray A. Ricketts Co., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Rayway Brand Packed in Water Red Pitted Cherries Packed by Ray A. Ricketts Co. Canon City, Colo."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than one cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.



On December 22, 1937, Ray A. Ricketts Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28216. Adulteration of flour. U. S. v. 90 Sacks of Flour. Decree of condemnation. Article released under bond for segregation and denaturing of portion unfit for human consumption. (F. & D. No. 40296. Sample No. 53358-C.)**

This article was infested with insects.

On September 15, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 sacks of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 15, 1937, by the William Kelly Milling Co., from Hutchinson, Kans., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Craftsman Flour \* \* \* The Wm. Kelly Milling Co. Hutchinson, Kansas."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 15, 1937, P. L. Thompson & Co., New Orleans, La., having intervened as owner or agent for the owner and having admitted the allegations of the libel, judgment of condemnation was entered. It was ordered that the property be released to the claimant under bond conditioned that the bad be separated from the good, if any, and that the former be denatured so that it could not be used as human food, but that it might be used as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28217. Adulteration of flour. U. S. v. 154 Bags of Flour. Consent decree of condemnation. Product released under bond conditioned that unfit portion be disposed of for purposes other than human consumption. (F. & D. No. 40389. Sample No. 56514-C.)**

This product was infested with weevils.

On September 28, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 154 bags of flour at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 14, 1937, from Fort Worth, Tex., by the Burrus Mill & Elevator Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Special Polar Bear \* \* \* High Gluten Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 4, 1937, Weeks & Parr, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the portion fit for human consumption be segregated and released and the remainder denatured or colored and disposed of for animal food or for some purpose other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28218. Adulteration of cashew nuts. U. S. v. 65 Boxes of Cashew Nuts. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. No. 40631. Sample No. 9515-C.)**

This product was in part wormy.

On November 1, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 boxes of cashew nuts at New York, N. Y., alleging that the article had been shipped by Quilon Cashew Export Corporation, from Cochin Port, India, arriving in New York, N. Y., in March 1937, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 29, 1937, Goldmeyer & Arnold, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry

of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the wholesome portion be segregated from the wormy portion and the latter destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28219. Adulteration of Brazil nuts. U. S. v. 15 Bags of Brazil Nuts. Consent decree of condemnation. Product released under bond for segregation and destruction of bad portion.** (F. & D. No. 40726. Sample No. 62593-C.)

This product was in part moldy and rancid.

On November 12, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bags of Brazil nuts at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about November 4, 1937, from Lansdowne, Pa., by Giant Tiger Corporation, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tropical Brand New Crop Large Washed Manaos Brazil \* \* \* W. A. C. Co. Inc."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On December 7, 1937, Wm. A. Camp Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good be separated from the bad and the latter destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28220. Adulteration of Limburger cheese. U. S. v. 50 Packages of Limburger Cheese. Default decree of condemnation and destruction.** (F. & D. No. 40533. Sample No. 61713-C.)

This product contained insect fragments.

On October 22, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 packages of Limburger cheese at Jamestown, N. Y., alleging that the article had been shipped in interstate commerce on or about July 15, 1937, from Monticello, Wis., by Arn & Sweifel Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Little Sugar Valley Brand Limburger Style Cheese \* \* \* Arn & Sweifel Co. Monticello, Wis."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On November 29, 1937, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28221. Adulteration of candy. U. S. v. 15 Boxes of Candy. Default decree of condemnation and destruction.** (F. & D. No. 40532. Sample No. 61105-C.)

This product was infested with insects.

On October 21, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 boxes of candy at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about July 1 and October 1, 1937, from New Orleans, La., by the Primrose Candy Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jungle King Candy Cones Manufactured By Primrose Candy Co. New Orleans, La."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28222. Misbranding of butter. U. S. v. Kraft-Phenix Cheese Corporation. Plea of guilty. Fine, \$50.** (F. & D. No. 38642. Sample No. 13663-C.)

This article was short weight.

On April 23, 1937, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Kraft-Phenix Cheese Corporation, trading at Water Valley, Miss., alleging shipment by the said corporation in violation of the Food and Drugs Act on or about September 29, 1936, from the State of Mississippi into the State of Louisiana of a quantity of butter which was misbranded. It was labeled: (Cases) "1-Lb. Prints"; (cartons) "Elkhorn Pure Creamery Butter Kraft-Phenix Cheese Corporation Atlanta Chicago One Pound Net Weight."

The article was alleged to be misbranded in that the statements "1-Lb. Prints," borne on the cases, and "One Pound Net Weight," borne on the cartons, were false and misleading, and in that the article was labeled so as to deceive and mislead the purchaser, since each of the cartons did not contain 1 pound of the article, but did contain a less amount. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28223. Misbranding of canned tomatoes. U. S. v. 2,000 Cases, 1,500 Cases, and 1,000 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 40517. Sample Nos. 48230-C, 48231-C, 48232-C, 48531-C, 48532-C.)

This product was substandard because the tomatoes were not normally colored, and it was not labeled to indicate that it was substandard.

On October 19, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,500 cases of canned tomatoes at Baltimore, Md., alleging that the article had been shipped in interstate commerce variously on or about August 30, and September 1 and 6, 1937, from Walnut Point, Va., by A. J. Lewis, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Red-Glo Tomatoes \* \* \* Albert W. Sisk & Son Distributors—Not Manufacturers Preston and Aberdeen Maryland, U. S. A."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the tomatoes were not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On November 9, 1937, A. J. Lewis having appeared as claimant, judgment of condemnation was entered and the product was ordered released to the claimant under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28224. Adulteration of candy. U. S. v. 48 Boxes of Candy. Default decree of condemnation and destruction.** (F. & D. No. 40513. Sample No. 53391-C.)

This product was infested with insects.

On October 19, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 boxes of candy at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about June 24, 1937, from New Orleans, La., by Pelican State Candy Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pelican Brand Candies \* \* \* Manufactured by Pelican State Candy Co. New Orleans, La."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28225. Adulteration of frozen strawberries. U. S. v. Ten Barrels of Frozen Strawberries. Default decree of condemnation and destruction.** (F. & D. No. 40481. Sample No. 63401-C.)

This product contained excessive mold.

On October 13, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 barrels of frozen strawberries at Seattle, Wash., alleging that the article had been shipped in



interstate commerce on or about October 4, 1937, from Portland, Oreg., by Terminal Ice & Cold Storage Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On November 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28226. Adulteration of canned cherries. U. S. v. 72 Cases of Cherries. Consent decree of condemnation and destruction.** (F. & D. No. 40476. Sample No. 49513-C.)

This product was infested with maggots.

On October 13, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cases of canned cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 10, 1937, from Salem, Oreg., by Oregon Fruit Products Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 20, 1937, Salem Cherry Growers Association, Salem, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28227. Adulteration of candy. U. S. v. 19 Boxes and 24 Boxes of Candy. Default decree of condemnation and destruction.** (F. & D. Nos. 40520, 40521. Sample Nos. 61108-C, 61112-C.)

These products were insect-infested.

On October 19, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 boxes of candy at Birmingham, Ala., alleging that the articles had been shipped in interstate commerce, in part on or about August 23, 1937, from New Orleans, La., by the Joan Candy Co., and in part on or about August 27, 1937, from Meridian, Miss., by the Rogers Candy Co., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part respectively: "Ice Cream Cones Joan Candy Co. New Orleans, La."; "Rogers Jumbo Brand Peanut and Coconut Bars \* \* \* Rogers Candy Company \* \* \* Meridian."

They were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

On November 26, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28228. Adulteration of butter. U. S. v. 18 Cubes and 20 Cubes of Butter. Consent decree of condemnation. Product released under bond for reworking.** (F. & D. Nos. 40550, 40552. Sample Nos. 54761-C, 54769-C.)

This product contained less than 80 percent of milk fat.

On October 4 and 8, 1937, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 38 cubes of butter at Springfield, Mass., shipped on or about September 21 and 30, 1937, alleging that the article had been shipped in interstate commerce from Omaha, Nebr., by the Harding Cream Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be—the act of March 4, 1923, providing that butter shall contain not less than 80 percent by weight of milk fat.

On November 1, 1937, the Harding Cream Co., Omaha, Nebr., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under cash bond conditioned that it be reworked to contain at least 80 percent by weight of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28229. Adulteration of butter. U. S. v. 300 Tubs, 150 Tubs, 100 Tubs, and 88 Tubs of Butter. Consent decrees of condemnation. Product released under bond for reworking.** (F. & D. Nos. 40445, 40498, 40499, 40598. Sample Nos. 49506-C, 60427-C, 60428-C, 60431-C.)

This product contained less than 80 percent of milk fat.

On or about September 16, 18, and 23, and October 12, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 638 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 2, 9, 18, and 30, 1937, from Muskogee, Okla., by the Southern Butter Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On October 5 and 26, 1937, the Southern Butter Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for reworking so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28230. Adulteration of butter. U. S. v. 25 Cubes of Butter. Product ordered released under bond.** (F. & D. No. 40383. Sample No. 52076-C.)

This product contained less than 80 percent of milk fat.

On September 18, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 8, 1937, by the Marwyn Dairy Produce Corporation from Colfax, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On September 30, 1937, Kimbley Brokerage Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28231. Adulteration of apples. U. S. v. 150 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40393. Sample No. 41389-C.)

This product was contaminated with lead and arsenic.

On or about September 14, 1937, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of apples at Princeton, Tex., alleging that the article had been shipped in interstate commerce on or about September 1, 1937, from Fayetteville, Ark., by G. D. Woodall to himself at Princeton, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28232. Adulteration and misbranding of butter. U. S. v. 22 Cartons of Butter. Decree of condemnation. Product released under bond for reworking.** (F. & D. No. 40551. Samples Nos. 54767-C, 54772-C.)

This product contained less than 80 percent of milk fat.

On October 8, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cartons of butter at Springfield, Mass., shipped on or about September 30, 1937, alleging that the

article had been shipped in interstate commerce from Clinton, Iowa, by Swift & Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Brookfield Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be—the act of March 4, 1923, providing that butter shall contain not less than 80 percent by weight of milk fat.

Misbranding was alleged in that the product was an imitation of and was offered for sale under the distinctive name of another article, butter.

On October 27, 1937, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to contain at least 80 percent by weight of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28233. Misbranding of butter. U. S. v. 38 Cases, 27 Cases, and 11 Cases of Butter. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 40382. Sample Nos. 49425-C to 49427-C, incl.)

A portion of this product was short weight, and the packages of the remainder failed to bear on the label a statement of the quantity of the contents.

On September 15, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases of butter at Elgin, Ill., alleging that the article had been shipped in interstate commerce on or about September 2, 1937, from Burlington, Iowa, by the Burlington Sanitary Milk Co., and charging misbranding in violation of the Food and Drugs Act as amended. One lot was labeled: (Wrapper) "Country Wrap Made from Pasteurized Cream Packed for Young and Austin, Elgin, Ill. \* \* \* 1 lb. Net Weight."

Misbranding of one lot was alleged in that the statement "1 lb. Net Weight" was false and misleading and deceived and misled the purchaser and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct; misbranding of the remaining lots was alleged in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 14, 1937, the Burlington Sanitary Milk Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly labeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28234. Misbranding of canned dry peas. U. S. v. 99 Cases of Sunset Brand Peas. Default decree entered; product ordered sold.** (F. & D. No. 40153. Sample No. 53337-C.)

This product was canned soaked dry peas; and its label bore a design of a dish of bright-green peas which created the impression that it consisted of fresh succulent peas, and this impression was not corrected by the words "Prepared from Dry" which were relatively inconspicuous as compared with the words "Peas."

On August 19, 1937, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned dry peas at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about June 18, 1937, by Dorgan-McPhillips Packing Corporation from Columbia, Miss., and charging misbranding in violation of the Food and Drugs Act. The article was labeled: (Cans) "Sunset Brand Prepared From Dry Peas Distributed By Dorgan-McPhillips Packing Corp. Mobile, Ala."

It was alleged to be misbranded in that it was soaked dry peas, and the design of bright green peas and the relative inconspicuousness of the statement "Prepared From Dry" as compared with the word "Peas" was false and misleading, and tended to deceive and mislead the purchaser when applied to soaked dry peas.

On January 8, 1938, no claimant having appeared, judgment was entered ordering that the product be sold by the marshal with the condition that if purchased for resale a bond be required to insure proper relabeling.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



- 28235. Adulteration of flour. U. S. v. 175 Bags of Flour. Decree of condemnation. Product released under bond for sale for purposes other than human consumption.** (F. & D. No. 40707. Sample No. 65412-C.)

This product was infested with weevils.

On November 10, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 bags of flour at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 25, 1937, from St. Paul, Minn., by the Capital Flour Mills Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Durum White Flour Capital Flour Mills, Inc., St. Paul Minn."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 29, 1937, Hubert J. Horan, by Gartland Horan, agent, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sold for purposes other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

- 28236. Adulteration of flour. U. S. v. 171 Bags of Flour. Decree of condemnation. Product released under bond for use as animal feed.** (F. & D. No. 40485. Sample No. 43838-C.)

This product was infested with weevils.

On October 15, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 171 bags of flour at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about May 3, 1937, from Tacoma, Wash., by Sperry Flour Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Eye Six Cut-Off Southern Gold Medal Flour Company."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 4, 1937, General Mills, Inc., Charleston, S. C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be used as animal feed or for some purpose other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

- 28237. Adulteration of butter. U. S. v. 92 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking.** (F. & D. No. 40553. Sample No. 56989-C.)

This product contained less than 80 percent of milk fat.

On October 11, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 27, 1937, from Dulport, Minn., by Mandan Creamery & Produce Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

On October 27, 1937, Mandan Creamery & Produce Co., Mandan, N. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

- 28238. Adulteration of butter. U. S. v. 100 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking.** (F. & D. No. 40554. Sample No. 60432-C.)

This product contained less than 80 percent of milk fat.

On October 4, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 tubs of butter

at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 23, 1937, from Vinita, Okla., by the Archer Produce Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On October 28, 1937, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28239. Adulteration and misbranding of butter. U. S. v. 507 Cases of Butter. Decree of condemnation. Product released under bond for reworking. (F. & D. No. 40682. Sample No. 62831-C.)**

This product contained less than 80 percent of milk fat.

On October 28, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 507 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 2, 1937, from Bruce, Miss., by the Yorkshire Creamery Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Morrell's Yorkshire Farm Brand Creamery Butter. \* \* \* Distributed By John Morrell & Co."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged in that the article was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On November 13, 1937, John Morrell & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28240. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40623. Sample Nos. 56988-C, 56990-C.)**

This product contained less than 80 percent of milk fat.

On October 11, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 4, 1937, from Marshall, Va., by the Fauquier Creamery, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On October 15, 1937, the Fauquier Creamery, Marshall, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28241. Adulteration of butter. U. S. v. 285 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40548. Sample No. 46745-C.)**

This product contained less than 80 percent of milk fat.

On October 7, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 285 tubs of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about September 20, 1937, from Chicago, Ill., by Kirschbaum & Co., and charging adulteration in violation of the Food and Drugs Act.



The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On November 15, 1937, the American Dairies, Inc., Kansas City, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28242. Adulteration and misbranding of candy. U. S. v. 9 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 40559. Sample No. 61110-C.)**

This product was insect-infested and dirty, and portions were short weight.

On October 22, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of candy at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, from Dallas, Tex., by Consolidated Candy Co., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Triple C 150 Scotty Deal Consolidated Candy Co., Dallas, Texas" (wax wrappers) "O-K Caramel," "Speed-Way \* \* \* 1½ Oz. or Over," or "Kiddo \* \* \* 1½ Oz. or Over."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding was alleged in that the statement (Speed-Way and Kiddo bars) "1½ Oz. or Over" was false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On November 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28243. Adulteration of flour. U. S. v. 218 Bags of Flour. Decree of condemnation. Product released under bond. (F. & D. No. 40437. Sample No. 43833-C.)**

This product was infested with weevils.

On or about October 6, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary, filed in the district court a libel praying seizure and condemnation of 218 bags of flour at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about April 5, 1937, from Portland, Oreg., by Crown Mills, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Soft Wheat Clear Bleached \* \* \* Crown Mills, Portland, Oregon."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 29, 1937, General Mills, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be used as animal feed, or for some purpose other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28244. Adulteration of flour. U. S. v. 654 Bags of Flour. Consent decree of condemnation. Product released under bond to be used for purposes other than human food. (F. & D. No. 40446. Sample No. 43834-C.)**

This product was infested with weevils.

On or about October 8, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 654 bags of flour at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about May 29, 1937, from Portland, Oreg., by Terminal Flour Mills Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Southern Gold Medal Flour Co Terminal Twenty." It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.



On October 29, 1937, General Mills, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be used as animal feed or for some purpose other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28245. Adulteration of apples. U. S. v. 472 Boxes of Apples. Consent decree entered. Product released under bond. (F. & D. No. 41844. Sample Nos. 18616-D, 18617-D.)**

This product was contaminated with lead and arsenic.

On February 18, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 472 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 7, 1938, from Cashmere, Wash., by Cashmere Pioneer Growers, Inc., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On February 19, 1938, the Consolidated Produce Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it not be disposed of in violation of the Federal Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28246. Adulteration of apples. U. S. v. 50 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40845. Sample No. 47523-C.)**

This product was contaminated with arsenic and lead.

On or about October 27, 1937, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of apples at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about October 25, 1937, from Proctorville, Ohio, by M. P. McCalla, to himself at Huntington W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it dangerous to health.

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28247. Adulteration of apples. U. S. v. 92 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40429. Sample Nos. 58674-C, 58675-C.)**

This product was contaminated with lead.

On September 25, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 24, 1937, from Moorestown, N. J., by E. A. Mechling, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28248. Adulteration of apples. U. S. v. 19 Crates of Apples. Consent decree of condemnation and destruction, with provision for release. (F. & D. No. 40540. Sample No. 59223-C.)**

This product was contaminated with arsenic and lead.

On October 1, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the dis-

strict court a libel praying seizure and condemnation of 19 crates of apples at South Bend, Ind., alleging that the article had been shipped in interstate commerce on or about September 23, 1937, by Tommy Mason from Bainbridge, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 24, 1937, Tommy Mason (City Limits Fruit Market), South Bend, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and destruction was entered with the provision that if the claimant remove the poisonous and deleterious ingredients, the apples might be returned to him.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28249. Adulteration of apples. U. S. v. 50 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40394. Sample No. 56460-C.)

This product was contaminated with arsenic and lead.

On or about September 16, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of apples at Aubrey, Tex., alleging that the article had been shipped in interstate commerce on or about September 7, 1937, from Rogers, Ark., by Lloyd Justus to himself at Aubrey, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28250. Adulteration of apples. U. S. v. 24 Baskets of Apples (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction.** (F. & D. Nos. 40406, 40453, 40454, 40489. Sample Nos. 37392-C, 37397-C, 37398-C, 38600-C, 62617-C.)

This product was contaminated with lead.

On September 23 and 25 and October 4, 1937, the United States attorneys for the Eastern and Southern Districts of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 38 baskets of apples at New York, N. Y., and 28 baskets of apples at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 21, 23, and 29, 1937, by Charles Wilmerton from Beverly, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "A. L. Richie & Son, Sunny Slope Farm Riverton, N. J."; "P. H. Burk Buttonwood Farm Beverly N. J."; "From J. W. Heal Beverly N. J."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On October 11, 26, and 28, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28251. Adulteration of flour. U. S. v. 152 Bags (and 4 other seizures) of Flour. Decree of condemnation. Product released under bond for sale for purposes other than human consumption.** (F. & D. Nos. 40568, 40569, 40570, 40571, 40704, 40705, 40706. Sample Nos. 62646-C to 62649-C, incl., 65410-C, 65411-C, 65414-C, 65420-C.)

Samples of this product were found to be insect-infested.

On October 25 and November 10, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court five libels, two of which were amended on November 12, 1937, praying seizure and condemnation of 1,128 bags of flour at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in various lots on or about April 15 and 17, June 10 and 23, and July 4 and 22, 1937, from Minneapolis, Minn., by the Pillsbury Flour Mills Co., and charging adulteration in violation of the Food and Drugs Act. The article was

labeled variously: "Riceo Durum Granular Flour"; "Verona Durum Wheat Product"; "Pillsbury's Semolina No. 3"; "Poleeto Patent Flour." Portions were labeled further: "From Pillsbury Flour Mills Company \* \* \* Minneapolis, Minn."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 21, 1937, Philadelphia Macaroni Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sold for purposes other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28252. Adulteration of Brazil nuts. U. S. v. 15 Bags of Brazil Nuts. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion.** (F. & D. No. 40918. Sample Nos. 9521-C, 9522-C.)

This product was in part moldy and decomposed.

On November 26, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bags of Brazil nuts at New York, N. Y., alleging that the article had been entered at the Port of New York, on or about March 25, 1937, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed and putrid vegetable substance.

On December 10, 1937, Wm. A. Camp Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28253. Adulteration of cauliflower. U. S. v. 38 Crates of Fresh Cauliflower. Default decree of condemnation and destruction.** (F. & D. No. 40983. Sample No. 63440-C.)

This product was contaminated with arsenate of lead.

On November 16, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 crates of cauliflower at Seattle, Wash., consigned by C. Taketa, alleging that the article had been shipped in interstate commerce on or about November 11, 1937, from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Portland Rose Snowball Brand Cauliflower C. Taketa Distributor—Portland, Oregon."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenate of lead, which rendered it injurious to health.

On December 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28254. Adulteration of flour. U. S. v. 1,421 Bags of Flour. Decree of condemnation. Product released under bond for sale for purposes other than human consumption.** (F. & D. Nos. 40697 to 40703, incl. Sample Nos. 65408-C, 65409-C, 65413-C to 65419-C, incl.)

This product was infested with insects.

On November 10, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,421 bags of flour at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in various lots on March 24, April 24, May 26, and June 18, 1937, from Minneapolis, and Rush City, Minn., by the Amber Milling Co., of Minneapolis, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Dura No. 3 Semolina"; "Amber Zephyr"; "Amber Special Granular." Portions were labeled further: "Amber Milling Co."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.



On November 19, 1937, Hubert J. Horan, Philadelphia, by Gartland Horan, agent, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond. On November 29, 1937, on motion of the claimant the decree was amended in order to permit the sale of the product for purposes other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28255. Adulteration of Brazil nuts. U. S. v. 5,650 Pounds (and 3 other seizures) of Brazil Nuts. Decrees of condemnation. Portion ordered released under bond; remainder ordered destroyed.** (F. & D. Nos. 40717, 40718, 40719, 40722, 40746, 41044. Sample Nos. 58597-C, 62590-C, 62591-C, 62592-C, 62594-C.)

Samples of this product were found to be moldy, rancid, and wormy.

On November 10, 12, and 13 and December 13, 1937, the United States attorneys for the Eastern and the Middle Districts of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 132 bags and 2,750 pounds of Brazil nuts at Philadelphia, Pa., 2,900 pounds of Brazil nuts at Lansdowne, Pa., and 10 bags of Brazil nuts at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about October 2, 27, 28, and 30 and November 1, 1937, by Wm. A. Camp Co., Inc., in part from New York, N. Y., and in part from Hoboken, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tropical Brand New Crop Large Washed \* \* \* Brazils \* \* \* W. A. C. Co."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On November 20, 1937, Wm. A. Camp Co., Inc., having filed a claim for the lots seized at Philadelphia and Lansdowne, Pa., and the cases having been consolidated, judgment of condemnation was entered and the said lots were ordered released under bond conditioned that they should not be disposed of contrary to law. On January 28, 1938, no claim having been entered for the lot seized at Wilkes-Barre, Pa., the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28256. Adulteration of peanut butter. U. S. v. 9 Cases and 12 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. & D. Nos. 40511, 40512. Sample Nos. 36170-C, 36171-C.)

This product contained fragments of glass and sand.

On October 18, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of peanut butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce from Portland, Oreg., on or about August 3, 1937, by the Hoody Peanut Products Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Armour's Star \* \* \* Pure! Peanut Butter \* \* \* Armour and Company \* \* \* Chicago Distributors."

It was alleged to be adulterated in that it contained added deleterious ingredients, glass and sand, which might have rendered it harmful to health.

On November 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28257. Adulteration of cauliflower. U. S. v. 35 Crates and 199 Crates of Cauliflower. Decrees of condemnation and destruction.** (F. & D. Nos. 41023, 41024. Sample Nos. 63445-C, 63446-C.)

This product was contaminated with arsenic.

On November 19, 1937, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 234 crates of cauliflower at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 14, 1937, from Portland, Oreg., by Farmers Produce Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On November 27, 1937, the Oregon Produce Co. having stipulated that immediate disposition of the product was necessary, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28258. Adulteration of pickle spice. U. S. v. 11½ Cases of Pickle Spice (and three other seizures of the same product). Default decrees of condemnation and destruction.** (F. & D. Nos. 40527, 40528, 40632, 41006. Sample Nos. 36234-C, 50899-C, 51852-C, 63415-C.)

This product was insect-infested and a portion was dirty.

On October 20, 29, and December 4, 1937, the United States attorneys for the Western district of Washington and the District of Idaho, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 47½ cases and 119 packages of pickle spice in various lots at Bellingham, Seattle, and Everett, Wash., and 45 cases of pickle spice at Lewiston, Idaho, alleging that the article had been shipped in part by Wood & Selick, Inc., from New York, N. Y., into the State of Washington on or about May 28 and June 11, 1935, and in part for Allen & Henderson, Inc., sales agents for Wood & Selick, Inc., from Seattle, Wash., into the State of Idaho on or about August 3, 1937, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Favorite Brand Pickle Spice \* \* \* Wood & Selick, Inc., New York, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 30 and December 21, 1937, and January 7, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28259. Adulteration of butter. U. S. v. 29 Tubs and 51 Tubs of Butter. Consent decrees of condemnation. Product released under bond for reworking.** (F. & D. Nos. 49671, 40683. Sample Nos. 56815-C, 57106-C, 57139-C.)

This product contained less than 80 percent of milk fat.

On October 26 and 29, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 80 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 12 and 13, 1937, from Baltimore, Md., by Chesapeake Creameries, Inc., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On November 3 and 4, 1937, Chesapeake Creameries, Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be reworked to contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28260. Adulteration of walnut meats. U. S. v. 10 Cartons of Walnut Meats (and six other seizures of the same product). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond.** (F. & D. Nos. 40390, 40391, 40439, 40448, 40449, 40484, 40510, 40518, 40519. Sample Nos. 51210-C, 51211-C, 51221-C, 60630-C, 60703-C to 60707-C, incl.)

Samples of this product were found to be wormy, moldy, rancid, insect-infested, and decomposed.

On September 30 and October 7, 1937, the United States attorney for the District of Oregon, and on October 11, 15, 18, and 20, 1937, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 76 cartons of walnut meats at Portland, Oreg., and 74 cartons of walnut meats at Denver, Colo., portions of which were consigned by Morris Rosenberg and the remainder in the name of the Terminal Refrigeration Co., alleging that the article had been shipped in interstate commerce, between the dates of July 24 and September 27, 1937, in part from Los Angeles, Calif., and in part from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Walnut Mts. \* \* \* Morris Rosenberg Los Angeles."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On October 8 and 29, 1937, Wadhams & Co. and Gray & Co., Portland, Oreg., respective claimants for two lots at Portland, Oreg., having consented to the entry of decrees, judgments of condemnation were entered and the lots were ordered released under bond conditioned that they not be disposed of contrary to law. On November 18, 20, and 29 and December 10, 1937, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28261. Misbranding of canned cherries. U. S. v. 78 Cases of Canned Cherries (and 2 other seizures of the same product). Decrees of condemnation. Portion released under bond for relabeling; remainder destroyed. (F. & D. Nos. 40486, 40487, 40920. Sample Nos. 58794-C, 58795-C, 62087-C.)**

This product was substandard because it contained an excessive number of pits, and it was not labeled to indicate that it was substandard.

On October 14 and November 26, 1937, the United States attorneys for the Eastern District of Pennsylvania and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 78 cases of canned cherries at Reading, Pa., 78 cases at Pottsville, Pa., and 24 cases at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about August 3 and 12 and September 28, 1937, from Rochester, N. Y., by Curtice Bros. Co., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blue Label Water Pack Sour Cherries Pitted For Pies \* \* \* Grade A Fancy Selected Quality \* \* \* Curtice Brothers Co. Rochester, N. Y."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than one cherry pit per 20 ounces of net contents, and its label or package did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On November 4, 1937, Curtice Bros. Co., Rochester, N. Y., claimant for the lots at Reading and Pottsville, Pa., having consented to the entry of a decree and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled. On December 28, 1937, no claim having been entered for the lot seized at Youngstown, Ohio, judgment of condemnation was entered and it was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28262. Misbranding of canned cherries. U. S. v. 398 Cases and 398 Cases of Pitted Cherries. Product ordered released under bond for relabeling. (F. & D. Nos. 40582, 40583. Sample Nos. 65003-C, 65004-C.)**

This product was substandard because of the presence of an excessive number of pits, and it was not labeled to indicate that it was substandard.

On October 25, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 796 cases of canned cherries at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 1, 1937, from Penn Yan, N. Y., by the Comstock Canning Corporation, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Red Ring for 'Orchard Farm Brand' Montmorency Red Sour Pitted Cherries Water Pack \* \* \* Comstock Canning Corporation General Offices Newark, New York."

Misbranding was alleged in that the article fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food in that there was present more than one cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On November 5, 1937, the Comstock Canning Corporation, claimant, having admitted the allegations of the libels, judgments were entered ordering the product released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28263. Misbranding of canned peas. U. S. v. 237 Cartons and 386 Cartons of Peas. Decrees of condemnation. Product released under bond to be relabeled.** (F. & D. Nos. 40870, 40873. Sample Nos. 55061-C, 55062-C.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard. It was labeled "Garden" peas but in fact was field-grown peas.

On November 19, 1937, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 237 cartons of canned peas at Fitchburg, Mass., and 386 cartons of canned peas at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about July 7, 1937, by the Melrose Canning Co. from Greenmount, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Loveland Garden Peas [or "Evelyn Garden Peas"] \* \* \* Packed by Melrose Canning Co. Hanover, Pa."

The article was alleged to be misbranded in that the term "Garden" was false and misleading and tended to deceive and mislead the purchaser when applied to field-grown peas; and in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On January 3, 1938, the Melrose Canning Co., Hanover, Pa., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be properly relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28264. Alleged adulteration and misbranding of jellies. U. S. v. 365 Cases of Assorted Jellies and other products; also U. S. v. 60 Cases and 80 Cases of Assorted Jellies. The former tried to the court and a jury. Directed verdict for the claimant. Decrees entered in both actions ordering libels dismissed and products returned to claimant.** (F. & D. Nos. 38193, 39597, 39598. Sample Nos. 3433-C, 3434-C, 35940-C, 35941-C.)

On September 10, 1936, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 365 cases of jellies, jams, preserves, and marmalade at El Paso, Tex., alleging that the articles had been shipped in interstate commerce on or about February 26, March 31, May 27, and July 12, 1936, by the Tropical Preserving Co. from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. On January 27, 1937, an amended libel was filed, which covered 106 cases of jellies only, shipped as alleged in the original libel.

On May 19, 1937, a libel was filed against 130 cases of jellies at El Paso, Tex., alleging shipment by the Tropical Preserving Co. from Los Angeles Calif., on or about April 9, 1937, and charging adulteration and misbranding. The said jellies were labeled in part: "Tropical Brand \* \* \* Jelly \* \* \* Tropical Preserving Co. Los Angeles, Calif."

The amended libel alleged adulteration of the jellies in that water, pectin, and excess sugar (some lots also containing added acid) had been mixed and packed with the articles so as to reduce and lower their quality and strength in that the said products had been made from less fruit juice and more sugar than jellies should be made from, namely, equal or approximately equal parts of fruit juice and sugar in the original batch, and the said products all contained added pectin (and in some instances added acid) and water which should have been removed by boiling in the manufacture of the article: in that products made from less fruit juice and more sugar than jellies should be made from, namely, equal parts or approximately equal parts of fruit juice and sugar in the original batch together with excess added water and pectin (and in the case of certain varieties also added acid) not ingredients of jellies and in semblance of jellies, had been substituted for pure jellies, which they purported to be; and in that they had been mixed in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the statements "Pure Concord Grape [or "Black Cap Raspberry," "Strawberry," "Loganberry," "Red Raspberry," "Blackberry," "Currant," or "Red Raspberry-Apple"] Jelly Home Made Style," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On October 15, 1937, L. H. Karosen, trading as the Tropical Preserving Co., having appeared as claimant in the action first instituted, the case came on for trial before the court and a jury. On October 19, 1937, the evidence having been adduced counsel for the claimant and for the Government moved for peremptory instructions. Following the completion of arguments of counsel in support of their respective motions the court delivered the following rulings, opinion, and decision orally from the bench:

**BOYNTON, District Judge:** This action is in its nature a libel brought by the Government under the Food and Drugs Act as amended for the seizure and condemnation of articles of jellies, commodities which are designated as jellies, a description of which is set forth in the caption of the libel and further in detail in the allegations contained in the bill, wherein the libel seeks to have the commodities condemned as adulterated within the meaning of the Food and Drugs Act in the third count of the libel, and further in the fourth count as in violation of the Food and Drugs Act, Sec. 8 thereof, as being misbranded within the contemplation of the Act, on the grounds as set forth in the libel.

The court, in entering upon consideration of the questions of law and fact involved in this case, finds that there was no particular detail as to formula as to what constitutes jelly as set forth in the provisions of the Act, or in rules that may have been promulgated by the Secretary of Agriculture in connection therewith.

The Government, for recovery in this case, contends that jelly is such a well known and recognized commodity in the commercial world in the States of the United States as to have a strict standard as to what constitutes jelly. That it is recognized in the trade that jelly should consist of fifty parts of fruit juice and fifty parts sugar; and the Government's contention in this case is that the jellies here in question are shown not to contain ingredients of fifty parts of fruit juice and fifty parts of sugar, as disclosed by analyses as made by chemists, who are offered as witnesses on behalf of the Government, and who testified on trial of this cause that there was more water contained in the jellies here in question than would have been the case had fifty percent fruit juice and fifty percent sugar been used in the manufacture thereof, and by reason thereof that resulted in lessening the ingredients in what is known and recognized as jellies according to the Government's contention, and therefore is an adulteration, shows an adulteration coming within the meaning of the Food and Drugs Act, and that, while the same was labeled as jellies, it is a misbranding.

The court finds under the provisions of the Food and Drugs Act, as set forth in Clause 4 of Section 8 of the Act, and subdivisions thereunder, viz, first and second, that jelly is a compound and that it falls under the provisions of the fifth clause of Section 8 of the Act, which relates to canned food in hermetically sealed containers as therein set forth; and that under the evidence in this case it is not shown that the jellies here in question, seven varieties of jellies, samples of which are offered in evidence herein, contained in 365 cases of assorted jellies, in controversy in this case, to be adulterated within the meaning of the Food and Drugs Act, making special reference to Clause 4 under Section 8 of the Act, and Clauses First and Second and Clause 5. As the uncontroverted evidence in this case shows that no foreign substance, that is, no ingredients foreign to that which is contained in fruit juice, was injected into the manufacture of the jellies in question.

According to the testimony of the Government's witnesses, chemists, and analyses here it discloses, and said witnesses testified to the effect that there was no ingredient found in these jellies that are not contained in jellies, "pure jellies"; but that the difference, if any, from what the Government contends is standard, as recognized by the public, of fifty parts of fruit juice and fifty parts of sugar, has added in this compound, as contained in these jellies here in question, an excess of water.

The court in passing on this question takes into consideration all of the testimony that is offered on trial of the case, and finds that there are no ingredients contained in the jellies here in question that are not contained in jellies produced in accordance with the standard as contended for by the Government in this case, as to the quantity of fruit juice and sugar.

There is testimony in this case by the claimant herein, L. H. Karosen, the manufacturer, doing business as Tropical Preserving Co., and Victor J. Morley, the superintendent of that preserving plant, located at Los Angeles, Calif., that in the manufacture of these jellies in question that 50 percent of fruit juice and 50 percent sugar was used in each and every instance in the manufacture of the



same, and testifying that there was no pectin or acid added to the jellies when manufactured.

The Court therefore holds that the Government's evidence in this case, relying upon analyses that were made, and upon same only, is of a character that is insufficient, speculative in its nature, such as is insufficient to meet the burden that rests upon the Government in a case of this character, which is penal in its nature.

The Court also makes the same finding and the same ruling on the count of misbranding which is here predicated and based upon the adulteration. The Court bearing in mind and carefully considering decision of the Supreme Court of the United States in the case of *United States vs. Ninety-Five Barrels, More or Less, Alleged Apple Cider Vinegar*, Douglas Packing Company, Claimant, reported in 265 U. S. 438; and regards the decision rendered by the Court in said case, and the language used in the Court's opinion therein, in which the Court uses this language:

"If an article is not the identical thing that the brand indicates it to be, it is misbranded. The vinegar in question was not the identical thing that the statement 'Excelsior Brand Apple Cider Vinegar made from selected apples,' indicated it to be,"

is in support of the Court's ruling in this case on the question of misbranding. That case, and all cases which the Court has been cited undertaking to rule upon the question of whether or not the charge of misbranding as used upon the label or package in question constitutes a violation of the Food and Drugs Act, finds that there was some specific, direct, definite and distinct language used on the label in question on the commodities in question which was in its nature misleading. If the Court construes aright the decision of the Supreme Court in the case, *supra*, reported in 265 U. S. 438, the decision in that case holds misbranding, the articles to be misbranded, is by reason of the fact that the article there is referred to as "Excelsior Brand Apple Cider Vinegar made from selected apples," and that it was shown in said cause that the vinegar there in question was not apple cider vinegar made from selected apples, but was,—so declared in that decision,—made from dried apples, and that you could not make apple cider vinegar,—it was not apple cider vinegar that was made from dried apples, and this reference to selected apples conveyed the idea of fresh apples.

This jelly here in question in the suit at bar, there is no question whatever but what the same was made from fruit juice of the character of fruit designated in each one of the labels, and therefore the Court is of opinion, and so holds, that there was no misbranding; that is that the labeling of the jellies here in question was not of a character as to mislead the public, purchasers or consumers of such jelly, as in the case of *United States vs. 95 Barrels of Vinegar*. In this particular case there was no ingredient used that was not contained in jellies made in accordance with even the standard as contended for by the Government.

Therefore, gentlemen, without further elaborating the Court's findings in this case, the Court will give the jury a peremptory instruction to return a verdict against the Government, and in favor of claimant in this case.

The Court regards this case as a case of grave importance, that the burden rests upon the Government to make out its case with clear, satisfactory, convincing evidence, which, in the opinion of the Court, has not been met.

This cause, as counsel for the Government says, is somewhat in the nature of blazing the way, and there is no case that has been presented to the Court, or acted upon by any Court, similar in its character. With reference to the record in this case, the record is full and complete and can be taken up and this question passed upon by the Higher Courts and determine whether or not the facts disclose an adulteration or misbranding within the meaning of the Food and Drugs Act under the language as used by the Act. Perhaps the Secretary of Agriculture some day will promulgate some rules and not leave the matter in the realm of uncertainty and speculation, as this Court feels is the case in this particular cause.

The Court will overrule all exceptions urged by counsel for the claimant herein, as the Court announced it was reserving its ruling upon such matters, objecting to the witnesses being permitted to testify, and who were allowed to testify by the Court in this case, and whose testimony is in the record, but the Court reserved definite ruling upon the same, as bearing upon the question of what was recognized in the trade as good commercial practice as to the formula,



if there existed any, as to the ingredients that entered into the manufacture of commodities designated as jellies; so you will have a complete record in the case.

The jury returned a verdict as instructed. On October 19, 1937, judgment was entered ordering the goods returned to the claimant. On December 22, 1937, judgment was entered in the remaining case ordering the libel dismissed and the goods returned.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28265. Adulteration of cauliflower. U. S. v. 150 Crates of Cauliflower. Decree of condemnation and destruction.** (F. & D. No. 40982. Sample No. 63439-C.)

This product was contaminated with arsenic.

On November 16, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 crates of cauliflower at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 9, 1937, from Portland, Oreg., by the Pacific Fruit & Produce Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On November 29, 1937, the Pacific Fruit & Produce Co., having stipulated that immediate disposition of the product was necessary, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28266. Supplement to notice of judgment No. 27442. U. S. v. 185 Cases of Raisins. Default decree of condemnation and destruction.** (F. & D. No. 39421. Sample No. 18680-C.)

On April 23, 1937, a libel was filed in the district court against 185 cases of raisins labeled "Regent Brand \* \* \* Raisins Packed by Del-Rey Packing Company," at Memphis, Tenn., alleging that the article had been shipped by the California Packing Co. [Corporation] from Fresno, Calif., and charging that it was adulterated in violation of the Food and Drugs Act. On July 10, 1937, the product was condemned and ordered destroyed.

Subsequent investigation has developed that the product was not invoiced nor packed by the California Packing Corporation, but that it had been included in a shipment made by that firm as a courtesy. The investigation disclosed further that the goods had been invoiced by the Del-Rey Packing Co., of Del Rey, Calif.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28267. Adulteration of apples. U. S. v. 300 Baskets of Apples. Decree of condemnation. Product released under bond to be washed.** (F. & D. No. 41020. Sample No. 56429-C.)

This product was contaminated with lead and arsenic.

On September 7, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 baskets of apples at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about September 2, 1937, by Leo Byars from Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On September 10, 1937, the C. H. Robinson Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to claimant under bond conditioned that the apples be washed so as to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28268. Adulteration of apples. U. S. v. 2 Lots of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40934. Sample Nos. 50286-C, 50287-C.)

This product was contaminated with arsenic and lead.

On November 4, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of two lots consisting of 216 bushels of apples at Chippewa Falls, Wis., alleging that the article had been shipped in interstate commerce on or about October 29, 1937, by L. F. Pickett from Traverse City, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On December 1, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28269. Adulteration of apples. U. S. v. One Carload of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40928. Sample No. 49493-C.)

This product was contaminated with arsenic and lead.

On November 2, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of apples at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about October 27, 1937, by Cohen & Gorden from Traverse City, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 30, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28270. Adulteration of apples. U. S. v. 31 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40880. Sample No. 59500-C.)

This product was contaminated with arsenic and lead.

On October 6, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 bushels of apples at Aurora, Ill., alleging that the article had been shipped in interstate commerce on or about October 1, 1937, by the Paramount Food Mart, of Aurora, Ill., from Benton Harbor, Mich., consigned to itself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 13, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28271. Adulteration of apples. U. S. v. 92 Crates of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40971. Sample No. 67747-C.)

This product was contaminated with arsenic and lead.

On November 15, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 crates of apples at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about November 11, 1937, by Alfred Erny from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 23, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28272. Adulteration of apples. U. S. v. One Carload (and 3 other seizures) of Apples. Decrees of condemnation. Three lots ordered destroyed; remaining lot ordered released under bond.** (F. & D. Nos. 40874, 40876, 40931, 41142. Sample Nos. 45925-C, 49489-C, 49722-C, 60386-C, 60389-C, 60393-C.)

This product was contaminated with arsenic and lead.

On October 29 and November 4, 9, and 16, 1937, the United States attorneys for the Eastern and Western Districts of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 1 carload of apples at Milwaukee, Wis., 1 carload of apples at Green Bay, Wis., 871 bushels of apples at Fond du Lac, Wis., and 325 bushels of apples at Rhinelander, Wis., alleging that the article had been shipped in interstate commerce in part from Douglas, Mich., and in part from Kaleva, Mich., between the dates of October 12 and November 3, 1937, by the Cohodas Orchard Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 29, 1937, the Cohodas Orchard Co. having filed a claim for the lot seized at Rhinelander, Wis., and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the apples involved be released under bond conditioned that they be made to conform with the law. On December 14, 1937, Cohodas Bros. Co. having filed a claim for the lots seized at Milwaukee, Green Bay, and Fond du Lac, Wis., and having filed motions for the entry of decrees permitting the return of the apples and the said motions having been denied and no other pleading having been filed, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28273. Adulteration of apples. U. S. v. 306 and 80 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40974. Sample Nos. 688-C, 389-C.)

This product was contaminated with arsenic and lead.

On or about November 19, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 386 bushels of apples at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about November 11 and 17, 1937, from Knox Nursery & Orchard Co., Vincennes, Ind., by truck driven by L. Gorman, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On November 20, 1937, the claimants, having consented, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28274. Adulteration of apples. U. S. v. 195 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 41141. Sample No. 685-C.)

This product was contaminated with arsenic and lead.

On November 18, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 bushels of apples at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about November 15, 1937, from Hall Orchard, Seymour, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On December 9, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28275. Adulteration of apples. U. S. v. 37 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 41515. Sample No. 56430-C.)

This product was contaminated with arsenic and lead.

On or about September 27, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district



court a libel praying seizure and condemnation of 37 bushels of apples at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about September 2, 1937, from Bentonville, Ark., by I. R. Sewell, to himself at Wichita, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, a compound of arsenic and lead, which might have rendered it injurious to health.

On January 10, 1938, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28276. Adulteration of apples. U. S. v. 252 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 41353. Sample No. 67842-C.)

This product was contaminated with arsenic and lead.

On November 27, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 252 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 22, 1937, by John Provenzano from Coloma, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 3, 1937, the claimants having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28277. Adulteration of apples. U. S. v. 39 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 41796. Sample No. 1621-D.)

This product was contaminated with lead.

On February 4, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 1, 1938, by William Schober from Monroeville, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On February 28, 1938, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28278. Adulteration of apples. U. S. v. 165 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40975. Sample Nos. 71201-C, 71205-C, 71206-C.)

This product was contaminated with lead.

On November 20, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 165 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 22, 1937, by Walter Roberts from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "F. L. B. Farm, Camden, N. J."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 14, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28279. Adulteration of apples. U. S. v. 57 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 41795. Sample No. 1619-D.)**

This product was contaminated with lead.

On February 5, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 1, 1938, by E. E. Miller from Aura, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On February 28, 1938, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28280. Adulteration of apples. U. S. v. 29 Bushels and 48 Bushels of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40881, 41148. Sample Nos. 59778-C, 67788-C.)**

This product was contaminated with arsenic and lead.

On October 29 and November 18, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 77 bushels of apples at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about October 27 and November 15, 1937, from Sodus and Benton Harbor, Mich., respectively, by the Broadway Produce Co. to itself at Milwaukee, Wis., and charging adulteration in violation of the Food and Drugs Act. One lot was labeled: "Ben Rosenberg Sodus, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 30 and December 23, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28281. Adulteration of apples. U. S. v. 291 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 41238. Sample No. 46113-C.)**

This product was contaminated with arsenic and lead.

On November 27, 1937, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 291 bushels of apples at Marshfield, Wis., alleging that the article had been shipped in interstate commerce on or about October 29, 1937, by L. G. Jebavy from Ludington, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On January 18, 1938, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28282. Adulteration of apples. U. S. v. 32 Bushels of Apples. Consent decree of condemnation and destruction. (F. & D. No. 41512. Sample No. 59629-C.)**

This product was contaminated with arsenic and lead.

On October 6, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4, 1937, from Benton Harbor, Mich., by Max Berman to himself at Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "L. C. Harris R. 1 Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 21, 1937, the claimant having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28283. Adulteration of apples. U. S. v. 71 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 40935. Sample No. 68012-C.)

This product was contaminated with lead.

On November 15, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 bushels of apples at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 11, 1937, by C. F. Lawrence from Benton Harbor, Mich., to himself at Atlanta, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown by A. W. Varnau, Coloma, Mich."

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On November 20, 1937, C. F. Lawrence having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28284. Adulteration of apples. U. S. v. 50 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 41143. Sample No. 47528-C.)

This product was contaminated with arsenic and lead.

On or about October 28, 1937, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of apples at Holden, W. Va., alleging that the article had been shipped in interstate commerce on or about October 26, 1937, from Proctorville, Ohio, by the Island Creek Coal Co., to itself at Holden, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added deleterious ingredients, arsenic and lead, which might have rendered it dangerous to health.

On November 5, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28285. Adulteration of apples. U. S. v. 27,114 Pounds of Apples. Consent decree of condemnation. Apples to be peeled and turned over to various public institutions.** (F. & D. No. 40942. Sample Nos. 41602-C, 41603-C.)

This product was contaminated with lead and arsenic.

On October 12, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27,114 pounds of apples at Hastings, Nebr., alleging that the article had been shipped in interstate commerce on or about October 8, 1937, by Hunt Bros. Fruit Co. from Wathena, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it harmful to health.

On October 29, 1937, Hunt Bros. Fruit Co., St. Joseph, Mo., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be delivered to public institutions on condition that the apples be peeled before being used and the peelings destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28286. Adulteration of apples. U. S. v. 23 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 41364. Sample No. 59626-C.)

This product was contaminated with arsenic and lead.

On October 8, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bushels of apples at Des Moines, Iowa, alleging that the article had been hauled in interstate commerce on or about October 4, 1937, by G. G. Squier from Benton Harbor, Mich., and



charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Erwin Weber R Two Benton Harbor Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 6, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28287. Adulteration of apples. U. S. v. 45 Bushels of Apples. Consent decree of condemnation and destruction.** (F. & D. No. 41517. Sample No. 56363-C.)

This product was contaminated with arsenic and lead.

On or about September 14, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bushels of apples at Newkirk, Okla., alleging that the article had been shipped in interstate commerce on or about September 6, 1937, from Bentonville, Ark., by Paris Shoffner to himself at Newkirk, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 11, 1937, the shipper having consented, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28288. Adulteration of apples. U. S. v. 20 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 41236. Sample No. 67784-C.)

This product was contaminated with arsenic and lead.

On November 27, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of apples at South Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 15, 1937, by R. Robinson from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28289. Adulteration of apples. U. S. v. 121 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 41151. Sample No. 68042-C.)

This product was contaminated with arsenic and lead.

On November 18, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 bushels of apples at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about November 16, 1937, from Bangor, Mich., by J. W. Dawson to himself at Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On December 9, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28290. Adulteration of apples. U. S. v. 250 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 41242. Sample No. 687-C.)

This product was contaminated with arsenic and lead.

On November 18, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 250 bushels of apples at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about November 15, 1937, by Denny McCoy from B. L. Billings' Orchard, Greenwood, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On December 17, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28291. Adulteration of apples. U. S. v. 30 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 41799. Sample No. 59782-C.)

This product was contaminated with arsenic and lead.

On November 5, 1937, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bushels of apples at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about October 27, 1937, from Benton Harbor, Mich., by Joe Corso to himself at Des Moines, Iowa, and charging adulteration in violation of the Food and Drug Act. The article was labeled in part: "Milton Essig Sodus Michigan."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 13, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28292. Adulteration of apples. U. S. v. 15 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 41021. Sample No. 59627-C.)

This product was contaminated with arsenic and lead.

On October 8, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of apples at Kenosha, Wis., alleging that the article had been shipped in interstate commerce on or about October 4, 1937, by the Goldie Fruit & Produce Co. (David Goldstein) from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled; "Charles Edwards Sodus, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 24, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28293. Adulteration of apples. U. S. v. 150 Bushels of Apples. Default decree of destruction.** (F. & D. No. 41516. Sample No. 56364-C.)

This product was contaminated with arsenic and lead.

On or about September 13, 1937, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of apples at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about September 9, 1937, from Rogers, Ark., by George McNeff, of Oklahoma City, Okla., consigned to himself, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 27, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28294. Adulteration of apples. U. S. v. 19 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40929. Sample No. 59671-C.)**

This product was contaminated with arsenic and lead.

On October 23, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 bushels of apples at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about October 8, 1937, from Benton Harbor, Mich., by Ben Sadoff, to himself at Milwaukee, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown and Packed by E. Koroch, R-1 Benton Harbor, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 30, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28295. Adulteration of apples. U. S. v. 12 Bushels and 17 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40930. Sample Nos. 60355-C, 60357-C.)**

This product was contaminated with arsenic and lead.

On November 9, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bushels of apples at Kenosha, Wis., alleging that the article had been shipped in interstate commerce on or about November 4, 1937, from Benton Harbor, Mich., by S. Rosenblum to himself at Kenosha, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: (Portion) "Oscar Erickson R. 2 Coloma, Mich."; (remainder) "A. J. Kaiser Watervliet, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 23, 1937, no claimant having appeared, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28296. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40932. Sample No. 67704-C.)**

This product was contaminated with arsenic and lead.

On November 10, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about November 7, 1937, from Benton Harbor, Mich., by A. Recht, to himself at Milwaukee, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "From Tom Daly Watervliet, Mich."

It was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 23, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28297. Adulteration of apples. U. S. v. 30 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 41514. Sample No. 62340-C.)**

This product was contaminated with arsenic and lead.

On or about September 23, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 bushels of apples at Newton, Kans., alleging that the article had been shipped in interstate commerce on or about September 3, 1937, by Farmers' Produce Co., from Rogers, Ark., and charging adulteration in violation of the Food and Drugs Act.



The article was alleged to be adulterated in that it contained an added poisonous ingredient, a compound of arsenic and lead, which might have rendered it injurious to health.

On January 10, 1938, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28298. Adulteration of apples. U. S. v. 75 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40973. Sample No. 54142-C.)

This product was contaminated with lead.

On November 6, 1937, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 bushels of apples at Jackson Springs, N. C., alleging that the article had been shipped in interstate commerce on or about November 3, 1937, from Lovington, Va., by C. P. Long to himself at Jackson Springs, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On November 8, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28299. Adulteration of apples. U. S. v. 53 Bushels of Apples. Consent decree of condemnation. Product released under bond.** (F. & D. No. 40939. Sample No. 59612-C.)

This product was contaminated with arsenic and lead.

On October 6, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 bushels of apples at Kankakee, Ill., alleging that the article had been shipped in interstate commerce on or about October 3, 1937, from Benton Harbor, Mich., by Alex Panozzo to himself at Kankakee, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Joe Schillaci, R-1 Coloma, Mich."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in harmful quantities.

On October 20, 1937, judgment of condemnation was entered and the product was ordered released to Alex Panozzo, claimant, under bond conditioned that the apples be washed and cleansed under the supervision of this Department, in order to remove all harmful ingredients.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28300. Adulteration of apples. U. S. v. 98 Crates of Apples. Default decree of condemnation and destruction.** (F. & D. No. 40976. Sample No. 59744-C.)

This product was contaminated with arsenic and lead.

On October 29, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 crates of apples at Joliet, Ill., alleging that the article had been shipped in interstate commerce on or about October 24, 1937, from Glenn, Mich., by the Cash Wholesale Produce Co. to itself at Joliet, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 13, 1937, no claimant having appeared, judgment of condemnation was entered ordering the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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1 Contains an opinion of the court.







# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

28301-28375

U. S. Department of Agriculture

[Approved by the Acting Secretary of Agriculture, Washington, D. C. June 7, 1938]

**28301. Adulteration of cathartic compound tablets and phenobarbital sodium tablets. U. S. v. Direct Sales Co. Plea of guilty. Fine, \$300. (F. & D. No. 39475. Sample Nos. 27734-C, 27736-C.)**

These cathartic compound tablets were sold under a name recognized in the National Formulary, but they contained more mild mercurous chloride than prescribed by that authority. The phenobarbital sodium tablets contained less sodium phenobarbital than declared on the label.

On December 16, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Direct Sales Co., a corporation, Buffalo, N. Y., alleging shipment by the said defendant in violation of the Food and Drugs Act on or about September 25, 1936, from the State of New York into the State of Pennsylvania of quantities of the drugs hereinafter described, which were adulterated. The articles were labeled in part: "Tablets Cathartic Compound U. S. P. [or "Phenobarbital Sodium 1/2 Grain"] \* \* \* Manufactured By Direct Sales Co. Inc., Buffalo, N. Y."

The cathartic compound tablets were alleged to be adulterated in that they were sold under a name recognized in the National Formulary but differed from the standard of strength, quality, and purity prescribed therein in that 100 tablets contained more than 6 grams, namely, not less than 7.35 grams of mild mercurous chloride, equivalent to 1.13 grains of mild mercurous chloride per tablet, whereas the National Formulary provides that 100 pills of compound cathartic, i. e., compound pills of mild mercurous chloride shall contain not more than 6 grams of mild mercurous chloride, and the standard of strength, quality, and purity of the article was not declared on the container.

The phenobarbital sodium tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain one-half grain of sodium phenobarbital; whereas they contained not more than 0.436 grain of sodium phenobarbital per tablet.

On December 16, 1937, a plea of guilty having been entered, the defendant was sentenced to pay a fine of \$300.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28302. Adulteration and misbranding of solution of citrate of magnesia. U. S. v. Roma Extract Co. and Joseph Graceffa. Plea of nolo contendere. Fine, \$10 each. (F. & D. No. 39455. Sample Nos. 12131-C, 12132-C.)**

This product differed from the standard laid down in the United States Pharmacopoeia since it contained materially less magnesium citrate than prescribed therein and contained magnesium sulphate (Epson salt), an ingredient not specified therein.

On May 17, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Roma Extract Co., Boston, Mass., and Joseph Graceffa, an officer of the corporation, alleging shipment by the said defendants in violation of the Food and Drugs Act on or about August 13 and October 17, 1936, from the State of Massachusetts into the State of Rhode Island of quantities of

solution of citrate of magnesia which was adulterated and misbranded. The article was labeled in part: "Roma Brand \* \* \* Roma Extract Co. Inc. Boston, Mass."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since 100 cubic centimeters of the article contained magnesium citrate corresponding to less than 1.6 grams, namely, 0.14 gram of magnesium oxide, and 10 cubic centimeters of the solution after precipitation and conversion of the citric acid into ash, required less than 26 cubic centimeters, namely, not more than 3.3 cubic centimeters, of half-normal hydrochloric acid to neutralize the alkalinity of the ash, and 100 cubic centimeters of the articles contained 5.0 grams in the case of one lot, and 5.2 grams in the case of the other, of magnesium sulphate; whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters an amount of magnesium citrate corresponding to not less than 1.6 grams of magnesium oxide, that 10 cubic centimeters of the solution after precipitation and conversion of the citric acid into ash, shall require not less than 26 cubic centimeters of half-normal hydrochloric acid to neutralize the alkalinity of the ash, and magnesium sulphate is not mentioned in the pharmacopoeia in the formula for the product, and the standard of strength, quality, and purity of the article was not declared on the container.

It was alleged to be misbranded in that the statements, "Solution of Citrate of Magnesia with Magnesia Sulphate," borne on the wrappers, "Solution Citrate Magnesia," blown in the bottles, and "Citrate of Magnesia Solution," borne on the bottle caps, were false and misleading. The article was alleged to be misbranded further in that it was a product composed in large part of magnesium sulphate prepared in imitation of and offered for sale under the name of another article, solution citrate magnesia and citrate of magnesia solution.

On October 13, 1937, pleas of *nolo contendere* were entered by the defendants, and they were sentenced to pay fines in the total amount of \$20.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28303. Adulteration of tincture of nux vomica, camphorated tincture of opium, elixir terpin hydrate and codeine, elixir triple bromides, and Fowler's solution. U. S. v. Goodrich-Gamble Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 38598. Sample Nos. 63326-B to 63330-B, incl.)**

These products were sold under names recognized in the United States Pharmacopoeia or the National Formulary but differed from the standard established by those authorities, and with the exception of the Fowler's solution, they differed from their own declared standard, since they were found to contain certain drugs either in greater or smaller amounts than those declared.

On April 6, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Goodrich-Gamble Co., a corporation, St. Paul, Minn., alleging shipment by said company in violation of the Food and Drugs Act on or about May 4, 1936, from the State of Minnesota into the State of Wisconsin, of quantities of the above-described drugs, which were adulterated. They were labeled in part: "Goodrich-Gamble Company, St. Paul, Minn."

The articles were alleged to be adulterated in that they were sold under names recognized in the United States Pharmacopoeia or in the National Formulary and to differ from the standard of strength, quality, and purity as determined by the tests laid down in those authorities in the following respects: The tincture of nux vomica yielded not less than 0.303 gram of the alkaloids of nux vomica per 100 cubic centimeters, whereas the pharmacopoeia provides that tincture of nux vomica shall yield not more than 0.263 gram of the alkaloids of nux vomica per 100 cubic centimeters; the camphorated tincture of opium contained not more than 3.42 grams of powdered opium per 1,000 cubic centimeters, whereas the pharmacopoeia provides that camphorated tincture of opium shall contain not less than 4 grams of opium per 1,000 cubic centimeters; the elixir terpin hydrate and codeine contained no codeine, whereas the National Formulary provides that the product shall contain codeine; the elixir triple bromides contained not more than 45.6 grams of ammonium bromide, not more than 44 grams of potassium bromide and not more than 51.9 grams of sodium bromide per 1,000 cubic centimeters; whereas the National Formulary provides that elixir of three bromides shall contain in 1,000 cubic centimeters not less than 80 grams each of ammonium bromide, potassium bromide, and sodium bromide; the Fowler's solution contained not more than



0.854 gram of arsenic trioxide per 100 cubic centimeters, whereas the pharmacopoeia provides that Fowler's solution, namely, solution of potassium arsenite shall contain in each 100 cubic centimeters not less than 0.975 gram of arsenic trioxide; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof.

With the exception of the Fowler's solution, they were alleged to be adulterated further in that their strength and purity fell below the professed standard and quality under which they were sold, since the tincture of nux vomica was represented to conform to the pharmacopoeial standard and to contain in each 100 cubic centimeters 0.1 gram of strychnine, whereas it was not tincture of nux vomica of the pharmacopoeial standard and each 100 cubic centimeters contained more than 0.1 gram, namely, not less than 0.155 gram of strychnine. The camphorated tincture of opium was represented to conform to the pharmacopoeial standard and to contain in each fluid ounce 1.9 grains of opium, whereas it did not conform to the pharmacopoeial standard and each fluid ounce contained less than 1.9 grains, namely, not more than 1.56 grains of opium. The elixir terpin hydrate and codeine was represented to conform to the formulary standard and to contain in each fluid ounce 1 grain of codeine sulphate, whereas it did not conform to the formulary standard and each fluid ounce contained less than 1 grain, namely, not more than 0.85 grain of codeine sulphate. The elixir triple bromides was represented to contain in each fluid drachm 3 grams each of potassium bromide and ammonium bromide, whereas each fluid drachm contained less than so represented, namely, not more than 2.51 grains of potassium bromide and not more than 2.60 grains of ammonium bromide.

On April 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28304. Misbranding of Nod. U. S. v. 264 Boxes of Nod. Default decree of condemnation and destruction.** (F. & D. No. 39286. Sample No. 12845-C.)

The labeling of this product contained false and fraudulent curative or therapeutic claims and created the impression that it was a safe remedy for the conditions for which it was recommended, whereas it was not safe but was a dangerous preparation.

On March 29, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 264 boxes of Nod at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 7, 1936, by the Reader Drug Co. from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tablets containing  $1\frac{1}{2}$  grains of phenobarbital and 2 grains of aminopyrine per tablet.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading in that they created the impression that the article was a safe remedy for the conditions mentioned, whereas it was not but was a dangerous preparation: (Tin box) "The Efficient Nerve Sedative \* \* \* Directions Adult Dose: For Restful Sleep One to two tablets as necessary with Warm Drink," (leaflet) "The Efficient Nerve Sedative Not habit forming—No Narcotics. For the person exhausted by constant loss of sleep. 'Nod' is a Tonic for both Mind and Body. Indications. Insomnia: 1 or 2 tablets as needed, followed by a warm drink will quiet the nervous system, super-inducing a restful nights sleep. Nervousness:  $\frac{1}{4}$  of a tablet taken 3 times a day after meals will be found a splendid nerve sedative. Alcoholics: 1 or 2 tablets will calm the nerves and induce a full nights sleep," (display carton) "No more sleepless nights \* \* \* Soothes Tense Nerves \* \* \* The efficient Nerve Sedative Not Habit Forming No Narcotics \* \* \* Induces Sleep Quiets Nerves \* \* \* Contains No Narcotics."

It was alleged to be misbranded further in that the above-quoted statements on the tin box, leaflet, and display carton regarding its curative or therapeutic effects were false and fraudulent. It was alleged to be misbranded further in that the combination of the letters "Nod" borne on the labeling constituted a device regarding its curative or therapeutic effects in that the said combination of letters meant to purchasers that the article was a harmless formula, sure, safe, and non-habit forming; that it would stop all forms of nervousness, restlessness, allowing sleep to come naturally, would soothe tense nerves, make possible a full night's natural sleep; that it was not narcotic and that it would

get back one's sparkle, the said combination of letters having attained such meaning as the result of an advertisement in a Cleveland paper, as follows: "Sleeplessness Overcome Naturally by Harmless Formula Sure, safe, non-habit forming NOD stops all forms of Nervousness, Restlessness, allowing sleep to come naturally. One Tablet soothes Tense Nerves—Makes Possible a full Nights Natural Sleep—no narcotics. Get back your sparkle, be yourself, Try NOD tonight—at all druggists."

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28305. Adulteration and misbranding of absorbent cotton. U. S. v. 32 Cartons of Absorbent Cotton. Default decree of condemnation and destruction.** (F. & D. No. 39330. Sample No. 27594-C.)

This product was represented to be sterile, whereas it was contaminated with viable aerobic and anaerobic micro-organisms.

On April 7, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cartons of absorbent cotton at West Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 10, 1937, by Seabury, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Physicians and Surgeons Sterilized Absorbent Cotton"; "Fordham Sterilized Products New York."

It was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Sterilized Absorbent Cotton," since it was not sterile but contained viable micro-organisms.

It was alleged to be misbranded in that the statements on the label, "Physicians and Surgeons Sterilized Absorbent Cotton" and "Fordham Sterilized Products," were false and misleading since it was not sterile.

On November 30, 1937, the claimant having withdrawn its appearance, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28306. Misbranding of Leto's for the Gums. U. S. v. 140 Bottles and 20 Bottles of Leto's for the Gums. Decrees of condemnation. Product ordered destroyed.** (F. & D. Nos. 40386, 40480. Sample Nos. 39830-C, 39837-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On September 30, 1937, and January 7, 1938, the United States attorneys for the Districts of Colorado and Wyoming, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 140 bottles of Leto's for the Gums at Denver, Colo., and 20 bottles of the same product at Cheyenne, Wyo., consigned by the Leto Remedy Co., from San Antonio, Tex., alleging that the article had been shipped in interstate commerce in part on or about November 24, 1936, and in part on or about April 14, 1937, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted essentially of copper sulphate, a small amount of iodine, and water.

It was alleged to be misbranded in that the following statements borne on the labeling, regarding its curative or therapeutic effects, were false and fraudulent: "A Reliable Application For the Gums To Reduce Soreness—Inflammation \* \* \* Use as directed by dentist, or, in the absence of his advice as follows: 1—Rub gums thoroughly with your finger so as to squeeze all pus out of pockets which form around teeth, and make blood circulate freely in gums.—Wash mouth with warm water. 3—Apply liquid on gums thoroughly with nugget of cotton twice daily. Where pus pockets are deep around teeth, wrap strand of cotton around small end of tooth-pick, dip in medicine and insert as deeply as possible into said pockets. Should any tartar be present on teeth, it is advisable and important to have your dentist remove same. After all pus and bleeding has stopped use medicine once or twice weekly."

On November 15, 1937, no claim having been entered for the product seized at Denver, Colo., it was condemned and ordered destroyed. On February 16, 1938, the Leto Remedy Co., claimant for the lot seized at Cheyenne, having consented to the entry of a decree, judgment of condemnation was entered with

provision for release under bond for relabeling. On April 15, 1938, the claimant having failed to file a bond for release of the product, it was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28307. Misbranding of Jim Wade Hygienic Powder. U. S. v. 89 Bottles of Jim Wade Hygienic Powder. Default decree of condemnation and destruction.** (F. & D. No. 39244. Sample No. 21755-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On March 22, 1937, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 bottles of Jim Wade Hygienic Powder at Beaumont, Tex., alleging that the article had been transported in interstate commerce from Shreveport, La., on or about November 25, 1935, for Jim Wade, Inc., by Jim Wade in person, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of copper sulphate, zinc sulphate, and ammonium alum.

It was alleged to be misbranded in that the following statements in the labeling were statements regarding its curative or therapeutic effects, and were false and fraudulent: (Bottle) "Hygienic Powder"; (circular) "Hygienic Powder When used as directed, for vaginal douche or irrigation, it is very \* \* \* soothing and healing to inflamed or irritated mucus membrane. It is highly recommended as a preventative and curative agent in vaginal irritations. Inflammations, ulcerated condition, vaginal discharges, soreness and heavy feelings due to swollen and irritated conditions of the femal organs. And for general feminine hygiene. Directions For vaginal douche or irrigation prepare as follows: Dissolve (one level teaspoonful) of Jim Wade Hygienic Powder in one-half gallon of water (warm water will give best results) and use a douche, one to three times daily."

On November 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28308. Misbranding of Rx 444 For Males and Rx 333 For Females. U. S. v. Wallace N. Key, Arthur E. Fest, and Benjamin H. Hickman. Pleas of nolo contendere by Arthur E. Fest and Benjamin H. Hickman. Plea of guilty by Wallace N. Key. Total fines, \$600 and costs.** (F. & D. No. 39447. Sample Nos. 13672-C, 13673-C.)

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On July 8, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Wallace N. Key, Arthur E. Fest, and Benjamin H. Hickman, of Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about October 24, 1936, from the State of Illinois into the State of Louisiana of quantities of the drugs described above, which were misbranded. The articles were labeled in part: "Foundation Laboratories Chicago Illinois A Gland Food."

Analyses showed that the products consisted essentially of water, small amounts of phosphates, magnesium compounds, protein, and perfume and alcohol, the Rx 444 containing 40 percent and the Rx 333 containing 34 percent of alcohol.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that the Rx 444 was effective as a health-giving force; effective to relieve and cure the worst symptoms of prostate gland trouble and to restore lost vitality, zest for joyful living, and youthful spirit and ambition; effective as a treatment, remedy, and cure for ailments due to a swollen prostate, such as frequent urination, back-aches, pains in the limbs, restlessness, loss of sleep, pains in the pelvic region or perineum (crotch), prostatitis, nervous disturbances, feelings of depression, the "blues," disturbances of the reproductive system, neurasthenia, melancholia, irritated nerve centers, pains resembling sciatic, rheumatism, disturbed digestion, and hindered bowel movements; effective as a treatment, remedy, and cure for restlessness, loss of sleep, loss of weight and grouchiness due to a congested prostate; effective to relieve prostate abnormalities resulting from its



diseased condition, to supply the hormones directly responsible for the activating of the prostate secretions and to tone up the body; effective for a run-down condition; effective to cause youthful exhilaration, ambition, and desire for achievement, to supply the health and strength necessary for fulfillment—to go directly to the point of irritation in the more serious conditions of a diseased or semi-diseased prostate and to have rejuvenating results; effective as a relief of prostate afflictions, distress, internal distress, and glandular distress; effective to restore the vigor of youth and normal health; effective as a treatment, remedy, and cure for prostatic diseases caused by arthritis, and rheumatism, neuritis, and arthritis caused by glandular unbalance; effective to restore the diseased prostate gland to proper function; effective to make one look and feel as young at 70 as at 25; effective as a gland builder; effective to improve the nerve and muscular system, to increase endurance, to relieve and reduce swelling in the legs, to restore the appetite, and to produce energy; effective as a stimulant to the prostate gland, and as a treatment for impotence or any disorder arising from improper functioning of the prostate; and effective as beneficial in relieving most pains and aches due to failure of the glands to function; and that the Rx 333 was effective as a glandular treatment, as a health help and health preservative, as a preventive of the disasters accompanying the menopause, and as a relief from puzzling aches, nervousness, and worry; effective as a treatment for ovarian disorders, congestion, inflammation and enlargement, ovarian gland distress, aches, pains, puzzling illnesses and pains of middle age, sciatic aches, frequent urination, backaches, and constant blues; effective to stimulate and activate the ovarian gland; and as a relief from annoying symptoms of ovarian gland congestions; effective as a tonic for the ovarian gland, and as a treatment, remedy, and cure for amenorrhea (scanty, absent, or difficult menses), dysmenorrhea, certain types of sterility, sexual apathy, numerous neuroses and psychoses connected with irregular menstruation, circulatory unbalance and climacteric disorders, vomiting of pregnancy, obesity and nervous disturbances attending the menopause; effective as a relief for most pains and aches due to failure of the gland to function, and of ovarian abnormalities; effective to tone up the body, for a run-down condition, to cause youthful exhilaration, ambition, and desire for achievement, to supply the health and strength necessary for fulfillment; to go directly to the point of irritation in the more serious conditions of a diseased or semi-diseased ovarian gland and to have rejuvenating results; effective as a relief of ovarian afflictions, distress, internal distress, and glandular distress; effective to restore the vigor of youth and normal health; effective as a treatment, remedy, and cure for ovarian disorders caused by arthritis, and rheumatism, neuritis, and arthritis caused by glandular unbalance; effective to restore the diseased ovarian gland to proper function; effective to make one look and feel as young at 70 as at 25; effective as a gland builder; effective as a boon to the nervous system; to induce natural sleep and to increase strength and endurance; effective as a relief and treatment for arthritis and the discomforts caused by menopause; and effective to restore the ovarian gland to normal function.

Both products were alleged to be misbranded further in that the statement "Contains Alcohol 25 Per Cent," borne on the cartons, was false and misleading since they contained more alcohol than so represented, namely, 40 percent in the case of the Rx 444 and 34 percent in the case of the Rx 333. They were alleged to be misbranded further in that they contained alcohol and the labels on the packages failed to bear a statement of the quantity contained therein.

On November 8, 1937, defendants Arthur E. Fest and Benjamin H. Hickman entered pleas of *nolo contendere* and were each fined \$200. On the same date Wallace N. Key entered a plea of guilty and was sentenced to pay a fine of \$200. Costs also were assessed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28309. Misbranding of British Oil and Citrate of Magnesia. U. S. v. Levy Products, Inc. Plea of guilty. Fine, \$50. (F. & D. No. 38653. Sample Nos. 13282-C, 13283-C.)**

This case covered a product designated as British Oil the labeling of which contained false and fraudulent curative and therapeutic claims, and a product labeled to indicate that it was citrate of magnesia, which was not citrate of magnesia.

On June 2, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Levy Products, Inc., Tampa, Fla., alleg-

ing shipment by said company in violation of the Food and Drugs Act as amended, on or about May 14 and June 1, 1936, from the State of Florida into the State of Georgia of quantities of British Oil and Citrate of Magnisa, respectively, which were misbranded. The articles were labeled in part: "British Oil \* \* \* Levy Products, Inc. Tampa, Florida"; "Citrate of Magnisa \* \* \* Columbia Drug Co. Savannah, Georgia."

Analysis of the British Oil showed that it consisted of a black viscous oil with an odor which indicated crude oil, turpentine, and other aromatic substances.

The British Oil was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, borne on the wrapper, falsely and fraudulently represented that it was effective as a relief for all scorbutic and rheumatic disorders, contusions and contractions of the nerves, all wandering and other pains, palsy, lameness, swelling and inflammations, fresh wounds, cuts, ulcers, deafness, coughs, shortness of breath, consumption, phthisis, and inward disorders.

The Citrate of Magnisa was alleged to be misbranded in that the statement "Citrate of Magnisa," borne on the bottle label, was false and misleading in that it represented that the article was citrate of magnesia; whereas it was not.

On November 2, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28310. Adulteration and misbranding of Malto-De. U. S. v. 11 Cans of Malto-De. Default decree of condemnation and destruction. (F. & D. No. 39925. Sample No. 36388-C.)**

The calcium, phosphorus, and vitamin D content of this article fell below the standard professed on its label. The labeling also bore false and fraudulent curative or therapeutic claims.

On July 2, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cans of Malto-De at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 2, 1937, by Alberty Food Products, Inc., from Hollywood, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of glucose, cane sugar, cocoa, malt, and powdered dry milk. The sugars amounted to 79 percent; the protein to 10 percent, the calcium and phosphorus present as compounds of these elements amounted to less than one-half of 1 percent of the article; and each gram contained approximately one-half U. S. P. unit of vitamin D.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (can label) "Contains 12½ per cent Soluble Calcium and Phosphorus to each pound mix. \* \* \* Eight heaping teaspoonsful approximately equal the calcium, phosphorous content in a quart of milk. Two rounding teaspoonsful of Malto-De when added to an eight ounce glass of milk \* \* \* is equal to: \* \* \* The calcium value of 4¼ glasses of milk. The phosphorous value of 2¾ glasses of milk. The vitamin 'D' value of 6-29 glasses of milk. One glass of average milk to which has been added one ounce portion (2 tsp.) Malto-De will be increased in potency as follows: \* \* \* Calcium value 370% Phosphorous value 225% Vitamin 'D' value 600% to 4650%." (Similar statements in booklet.)

It was alleged to be misbranded in that the statements, (can) "Malto-De \* \* \* containing calcium phosphorus D exceptionally rich in sunshine Vitamin 'D' Malto-De," together with the statements above quoted from the can label were false and misleading. It was alleged to be misbranded further in that the booklet shipped with it contained false and fraudulent representations regarding its effectiveness to correct a deficiency in calcium, phosphorus, and vitamin D; to obtain complete growth, strong, well-formed bones, sound, hard teeth; to maintain the perfect skeletal structure of the human body, and to obtain and preserve the normal, balanced relationship of phosphorus and calcium in such body; to prevent brittleness in the bones of aged persons; to promote an optimum state of health and vigor, to increase resistance to bacteria and to postpone senility and death; to protect living teeth against decay; to regulate phosphorus metabolism and calcium; to eliminate and prevent rickets; to

develop normally the bones and teeth and to promote general good health; to avert poor bone development, muscular weakness, decayed, crowded, and uneven teeth and difficulty in childbirth; to revitalize cell life, to increase strength and pulsation of the heart; to correct defects in blood coagulation; to reinforce body resistance in fever and disease; to reduce nervousness; to tone the nerves, to prevent oxalic acid poisoning, to promote concentration of thought, to give will power, to eliminate magnesium deposits and tooth decay, to combat actively the toxic effect of colon types such as *Bacillus enteritidis*, to change the intestinal flora, to change the intestinal bacteria from acid to alkaline, to eliminate scurvy; to cure "celiac (carbohydrate disturbance) and Sprue diseases," and to definitely control calcium and phosphorus utilization.

On October 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28311. Adulteration and misbranding of Healo Salve and Lucky Heart Kiss Sweet Tooth Paste; and misbranding of Tiger Head Antiseptic Nerve and Bone Liniment, Kandu Vegetable Compound Female Regulator and Builder, Erbru Health Herbs and Iron, Lucky Heart Wonder Skin Ointment, Preacher's No-Ru Kidney Bladder Rheumatism Backache Remedy, Vapo Nose and Throat Drops, Vapo Overnight Salve, Glandeen, San-I-Gene Douche Powder, Bewino Beef Wine and Iron Tonic and Builder. U. S. v. Lucky Heart Laboratories, Inc., Morris Shapiro, and Ben M. Spears. Pleas of guilty. Total fines and costs, \$600. (F. & D. No. 39816. Sample Nos. 18694-C, 35378-C to 35385-C, incl., 35404-C to 35407-C, incl., 35455-C, 35457-C.)**

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects. Certain of the products were represented to be natural remedies derived from roots, herbs, and similar substances; whereas they contained other ingredients not derived from such sources; other products were falsely represented to be antiseptic or germicidal; one bore on the label false statements as to the content of alcohol and chloroform, one failed to declare on the label the alcohol present in the article and one (Skin Ointment) contained red mercuric oxide, which rendered it potentially harmful to a delicate skin.

On March 9, 1938, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lucky Heart Laboratories, Inc., and Morris Shapiro and Ben M. Spears, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 8, April 30, May 3, and July 12 and 28, 1937, from the State of Tennessee into the States of Missouri and Arkansas of quantities of the above-named drugs which were misbranded and certain of which were also adulterated. Portions of the articles were labeled: "Erbru Roots and Herbs Medicine Co. Memphis, Tenn." The remainder were labeled: "Lucky Heart Co. Memphis, Tenn."

Analyses showed the following: The Tiger Head Antiseptic Nerve and Bone Liniment consisted essentially of extracts of plant drugs including capsicum, a small proportion of oil of sassafras, alcohol (not less than 58.6 percent by volume), chloroform (not more than 23.4 minims per fluid ounce), and water. The Kandu Vegetable Compound Female Regulator consisted essentially of extracts of plant drugs, alcohol, sugar, and water flavored with cloves. The Erbru Health Herbs and Iron consisted essentially of Epsom salt (6.4 grams per 100 cubic centimeters), a small proportion of an iron compound, extracts of plant drugs including a laxative drug, salicylates, sugar, and water. The Wonder Skin Ointment and Brightener contained a small proportion of red mercuric oxide (2.8 percent) incorporated in a petrolatum base. The Preacher's No-Ru Kidney Bladder Rheumatism Backache Remedy consisted essentially of small proportions of potassium acetate, methenamine, extracts of plant drugs, sugar, and water. The Vapo Nose and Throat Drops consisted essentially of small proportions of ephedrine, eucalyptol, and cinnamic aldehyde incorporated in a mineral oil base. The Healo Salve contained small proportions of zinc oxide and camphor, benzocaine, resorcinol, and rosin incorporated in a petrolatum and lanolin base. Bacteriological examination showed that it was not an antiseptic when used as directed. The Vapo Overnight Salve contained approximately 10 percent of volatile oils, including menthol, eucalyptol, and methyl salicylate, incorporated in a petrolatum base. The Kiss Sweet Tooth Paste consisted essentially of calcium carbonate, soap, sugar, glycerin, talcum,



and water. Bacteriological examination showed that it was not a germicide. The Glandeen Tablets contained extracts of plant drugs (including damiana and nux vomica) and iron carbonate; and were coated with calcium carbonate and sugar. The San-I-Gene Douche Powder consisted essentially of boric acid (90 percent) and small proportions of paraformaldehyde, potassium alum, and methyl salicylate, perfumed with oil of peppermint. Bacteriological examination showed that it was not an antiseptic when used as directed. The Bewino Beef Wine and Iron Tonic and Builder consisted essentially of a small proportion of iron and ammonium citrate, protein, sugar, alcohol, and water.

The Antiseptic Nerve and Bone Liniment was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it would affect curatively and therapeutically diseases, disorders, or acute abnormal conditions of the nerves and bones; that it was effective to relieve aches, pains, swelling, simple neuritis, headaches, toothaches, cuts, weak back, lumbago, stomach aches, pains and cramps, fresh cuts, burns, neuralgia, sciatica, earache, cankered sore mouth, sore nipples, ulcers, sore throat, hoarseness, bronchial cough, whooping cough, spasmodic croup, diarrhoea, dysentery, bloody flux, cholera morbus, muscular rheumatism, muscular cramp, lameness, lame back, swellings, stiff and sprained muscles, and to cause pains to go out from the human body, to cause users thereof to be healthy; to create pep and to infuse with life; to penetrate to the nerves and bones and thereby to afford relief from diseases or disordered conditions therein; to rush a new supply of blood to aching spot when applied by rubbing, for the treatment of lumbago, neuritis, burns, and backache; to afford soothing relief when used in the treatment of colic, cramps, heartburn, indigestion, and stomach ache. This article was alleged to be misbranded further in that the statements (bottle) "Alcohol 50%" and (carton) "Contains 50% Alcohol by volume, Chloroform 26 min. to each Fl. Ounce," were false and misleading since it contained 60 percent of alcohol by volume and less chloroform than represented; and in that it contained chloroform and the bottle label failed to bear a statement of the quantity or proportion of chloroform contained in the article.

The Kandu Vegetable Compound Female Regulator and Builder was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to regulate and to build the physical organization of weak, run-down, nervous women, to cure female weakness; to prevent painful menstruation periods; to cure physical conditions within the description of nervous, run-down, and blue conditions; to restore appetite; to cure cramps, pains, headaches and to correct irregularity in the menstrual flow; to make women healthy.

The Erbru Health Herbs were alleged to be misbranded in that they were falsely and fraudulently represented to be effective to relieve users from heartburn, torpid liver, irregular action of the kidneys, dull pains, sour stomach, physical exhaustion, headaches, biliousness, and similar ailments; to strengthen, build, and purify the blood and nerves; to relieve sufferers of swimming in the head; to give a clear, bright, healthy complexion; and to cleanse the system; to rid the human system of health-destroying poisons; to give sparkling health and long life; to produce pure, strong, healthy blood; to clear away pimples and banish dizziness and dull pains; to cure sour stomach, gas pains, clogged bowels, bloating, heart palpitation, torpid liver and swimming in the head; to impart life, pep, and energy; to strengthen, build and purify the nerves and blood; they were alleged to be misbranded further in that the following statements, (bottle) "Genuine Erbru Herbs and Iron, Full Strength Roots, Herbs, Barks, Berries, and Iron Compound Tonic, Erbru is fresh full strength roots, herbs, barks, berries and Iron, nature's own remedy. Guaranteed Made from pure roots, herbs, barks, berries and iron," (carton) "Health Herbs, and Iron. Full Strength Roots, Herbs, Barks, Berries, and Iron Compound Tonic. You get the full strength of Erbru's Pure Roots, Herbs, Barks, Berries, Flowers and Iron because it's sealed for your protection," and (circular) "Nature's own marvelous berry juices—roots, barks, herbs, iron Full strength roots, herbs, barks, berries and iron compound," were false and misleading in that they represented that the article was a compound of iron, roots, herbs, barks, and berries, and that it derived its efficacy solely from such ingredients; whereas it consisted chiefly of Epsom salt, an iron compound, extracts of plant drugs including a laxative drug, salicylate, sugar, and water.

The Wonder Skin Ointment and Brightener was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to remove

blemishes and to clear the complexion; to heal sallow skin and other skin imperfections; to heal eczema, pimples, dark blotches, ringworm, tetter, and other skin troubles; to remove rough, bumpy, muddy-looking skin; to build up the complexion; to produce young skin in just a few treatments; and to be effective in each of these various respects without burning or injuring the most delicate skin: To heal the skin and keep it young; to clear away blemishes and dark splotches, eczema, and all minor skin ailments. It was alleged to be misbranded further in that the metal container bore the statement, "A Harmless Guaranteed Ointment that will not burn or injure the most delicate skin," which was false and misleading in that 3 percent of the article, more or less, was red mercuric oxide, and that such quantity of red mercuric oxide caused it to be potentially harmful and dangerous to the most delicate skin.

The Preacher's No-Ru Kidney Bladder Rheumatism Backache Remedy was alleged to be misbranded in that it was falsely and fraudulently represented to be effective as a remedy in the treatment of disorders of the kidneys, liver and bladder, and of rheumatism and backache; to relieve backaches, dizziness, burning, smarting sensations, weak bladder, aching bones, leg pains and rheumatic pains; to cure backache, rheumatism, uric acid burning, backaches, nervousness, swollen feet, aching limbs, lumbago, kidney trouble; to eliminate acids and poisonous wastes from the kidneys; to cure pains in the back, dull complexion, puffy circled eyes; to cure kidney and bladder disorders; to give health and happiness; and to make one peppy and full of life. It was alleged to be misbranded further in that the statements, (bottle and circular) "Contains Nature's Roots, Herbs and Berries," and (carton) "Contains Nature's Roots, Herbs and Berries. No-Ru is made with fresh-pure-roots-herbs and berries. Nature's Remedy," were false and misleading in that they represented that the article was composed of roots, herbs, and berries and that its efficacy was derived solely from such ingredients; whereas it was composed essentially of potassium acetate, methenamine—which are not derived from roots, herbs, and berries—and extracts of plant drugs, sugar, and water.

The Vapo Genuine Nose and Throat Drops were alleged to be misbranded in that they were falsely and fraudulently represented to be effective to relieve sore throat, hay fever, asthma, inflamed nasal passages, and chest colds.

The Healo Salve was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that a circular contained in the package represented that it was "made from roots and herbs"; whereas it contained ingredients and substances not found in roots and herbs, namely, zinc oxide, benzocaine, and resorcinol, it also contained camphor and rosin and these ingredients were incorporated in a petrolatum base. It was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to heal wounds, cuts, sores, boils, burns, pimples, skin diseases, irritations, eruptions, aching feet, and itching or burning caused by eczema; to cure piles and pimples; to afford instant relief when used in the treatment of wounds, cuts, boils, aching feet, skin diseases, itching, burning, skin eruptions, eczema, and piles; to be beneficial when used in the treatment of animal cuts, wounds, scratches, udders; to cause a user thereof to be peppy, full of life and healthy; to serve the purposes of an antiseptic; to heal burns, boils, wounds and cuts and to cure piles. It was alleged to be misbranded further in that the statement in the circular, "Made from roots and herbs," was false and misleading since the said statement represented that the efficacy of the article was derived solely from roots and herbs; whereas it contained zinc oxide, benzocaine, and resorcinol, and also camphor and rosin—ingredients not found in roots and herbs—incorporated in a petrolatum and lanolin base.

The Vapo Genuine Over Night Salve was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to penetrate the flesh to the seat of and to cure coughs, sore throats, chest colds, tonsillitis, asthma, sore throat, neuralgia, lung colds, hoarseness and headaches; to cure soreness and tightness on the chest or throat; to cure backaches, cuts, stiff neck, rheumatism, lumbago, and itching piles; to cure coughs, grippe, flu, rheumatism, bronchitis, catarrh, croup, piles, chest colds, sore throat; to act as a preventive of dangerous sickness.

The Kiss Sweet Tooth Paste was alleged to be adulterated in that it fell below the professed standard and quality under which it was sold since it was labeled "Kills Germs," whereas it was not a germicide. It was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to strengthen the gums; to make the gums healthy red and to prevent decay. It

was alleged to be misbranded further in that the statement on the tube, "Kills germs," was false and misleading since it was not a germicide.

The Glandeen was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to augment or to restore human courage; to act as a "powerful strength invigorator"; to so effect the glands of the human organism as to restore lost vitality or lost manhood; to rehabilitate the human body when in a run-down condition.

The San-I-Gene Sanitary Antiseptic Douche Powder was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to heal and to protect the female sexual organs safely, harmlessly, and dependably; to maintain health; to enable one to get well when not well and to cause users to be healthy, peppy, and full of life. It was alleged to be misbranded further in that the statements on the jar and in the circular, "Antiseptic Douche Powder. Dissolve from one to two teaspoonfuls in a quart or more of warm water," were false and misleading since it was not an antiseptic.

The Bewino Beef Wine and Iron Tonic was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to tone and renew and strengthen the human body; to restore sickly, run-down puny people to normal health and vigor; to impart pep and energy; to aid digestion; to cause one to be sensible to its efficacy in these several respects after taking the very first dose of the article; to impart to the blood its essential elements and to purify the blood. It was alleged to be misbranded further in that it contained alcohol and its package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On March 19, 1938, the defendants entered pleas of guilty and the corporation was sentenced to pay \$308 and the individual defendants were each sentenced to pay \$146, a total of \$600, which sums were in lieu of fines and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28312. Adulteration of potassium arsenite tablets and misbranding of atropine sulphate tablets. U. S. v. Direct Sales Co. Plea of guilty. Fine, \$300. (F. & D. No. 38599. Sample Nos. 67717-B, 5711-C.)**

This case involved atropine sulphate tablets which contained an excess of atropine sulphate, and potassium arsenite tablets which were deficient in potassium arsenite.

On January 11, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Direct Sales Co., a corporation, Buffalo, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 13 and June 13, 1936, from the State of New York into the States of Pennsylvania and Illinois of quantities of atropine sulphate tablets and potassium arsenite tablets, respectively, of which the former was misbranded and the latter was adulterated. The articles were labeled: "Hypodermic Tablets Atropine Sulphate 1/120 Grain;" "Potassium Arsenite (Fowler's Solution) 5 minims." Both were labeled further: "Manufactured by Direct Sales Co., Inc., N. Y."

The potassium arsenite tablets were alleged to be adulterated in that their strength fell below the professed standard under which they were sold in that they were labeled, "Tablets Potassium Arsenite (Fowler's Solution) 5 minims C T," whereas they contained potassium arsenite equivalent to less than 5 minims of Fowler's solution each, namely, 3.7 minims of Fowler's solution per tablet.

The atropine sulphate tablets were alleged to be misbranded in that the statements "Hypodermic Tablets Atropine Sulphate 1/120 Grain" were false and misleading since they represented that each of the tablets contained 1/120 grain of atropine sulphate, whereas they contained more than so represented, namely, not less than 0.0099 grain, i. e., approximately 1/100 grain of atropine sulphate per tablet.

On December 6, 1937, a plea of guilty was entered on behalf of the defendant and on December 16 a fine of \$300 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28313. Adulteration of scopolamine hydrobromide tablets and tincture of aconite root. U. S. v. Direct Sales Co., Inc. Plea of guilty. Fine, \$300. (F. & D. No. 37926. Sample Nos. 51954-B, 54036-B.)**

This case involved tablets which contained scopolamine hydrobromide in excess of the amount declared, and tincture of aconite root which had a potency of approximately one-fifth of that required by the United States Pharmacopoeia.



On August 24, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Direct Sales Co., Inc., Buffalo, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about October 21 and November 14, 1935, from the State of New York into the State of Pennsylvania of quantities of scopolamine hydrobromide tablets and tincture aconite root that were adulterated. The articles were labeled: "Tablets Scopolamine H br. 1/100 gr. [or "Tincture Aconite Root U. S. P.]" manufactured by Direct Sales Co., Inc., Buffalo, N. Y."

The tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 1/100 grain of scopolamine hydrobromide; whereas each of the said tablets contained more than represented, namely, not less than 0.0116 grain of scopolamine hydrobromide.

The tincture of aconite root was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down therein, since when administered subcutaneously to guinea pigs, it had a minimum lethal dose of not less than 0.00225 cubic centimeter for each gram of body weight of guinea pig; whereas the pharmacopoeia provides that tincture of aconite when administered subcutaneously to guinea pigs, shall have a minimum lethal dose of not more than 0.0045 cubic centimeter for each gram of body weight of guinea pig, and its own standard of strength, quality, and purity was not declared on the container. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be tincture of aconite root which conformed to the standard laid down in the United States Pharmacopoeia; whereas it did not conform to said standard.

On December 6, 1937, a plea of guilty was entered on behalf of the defendant and on December 16, 1937, a fine of \$300 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28314. Misbranding of Organic Sea Food. U. S. v. Joseph V. Wachter. Plea of guilty. Fine, \$25. (F. & D. No. 38622. Sample No. 49334-B.)**

The label on this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On March 23, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph V. Wachter, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 13, 1935, from the State of California into the State of Nebraska of a quantity of Organic Sea Food that was misbranded. It was labeled in part: "Manufactured by Organic Sea Products Corp. St. Paul Building San Francisco California."

Analysis showed that the article consisted essentially of coarsely ground seaweed with a very small amount of agar.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic or curative effects, borne on the package label and contained in a circular, falsely and fraudulently represented that it was effective to give vitality and to eliminate poisons and diseases; effective as a treatment, remedy, and cure for deficiency diseases and diseases such as rheumatism, asthma, goiter, overweight, stomach trouble, neuritis, anemia, nervous disorders, and other glandular deficiency diseases; effective as a treatment for tubercular ailments, infections, poor endurance, erratic personality, bone diseases, premature age, catarrh, stiff joints, deafness, acidity, many distressing diseases, stiffening of the bones and arteries and falling hair; effective to prevent neurasthenia, fatigue, pyorrhea, excessive fat, auto-intoxication, goiter, insanity, baldness and wrinkles; effective to eliminate fat; effective to give will, long life, and red blood, to brighten eyesight and complexion, to prevent tuberculosis, to preserve youth, to protect against infections, bone diseases, and fear; effective to relieve pain, to prevent catarrh, deafness, hardening processes, and moodiness, effective to give warmth, magnetism, mental endurance, creative ability, and vitality, to beautify, to inspire, to make glossy hair, to arrest disease and to throw out bodily impurities; effective as a treatment, remedy, and cure for chronic constipation, dull headaches, colds, run-down condition, sluggish mentality, constant tired feeling,

nervous disorders, suppressed menses, high blood pressure, stomach troubles, and almost every type of ailment and disease; and effective to eliminate toxic poisons from the system.

On November 27, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28315. Adulteration and misbranding of White Cross Emergency First Aid Kits. U. S. v. 20 White Cross Emergency First Aid Kits. Default decree of condemnation and destruction. (F. & D. No. 38207. Sample No. 8614-C.)**

These kits contained, among other items, a roll of absorbent cotton and a roll of gauze bandage which were labeled "Sterilized" but which were not sterile in that they contained viable micro-organisms. The labeling also bore false and fraudulent curative or therapeutic claims.

On or about August 21, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 White Cross Emergency First Aid Kits at West Haven, Conn., alleging that the article had been shipped in interstate commerce on or about April 9, 1936, by the American White Cross Laboratories from New Rochelle, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard or quality under which it was sold, namely, (absorbent cotton) "Sterilized \* \* \* Absorbent Cotton" and (gauze bandages) "Sterilized" in that the cotton and gauze bandages were not sterile but contained viable micro-organisms.

Misbranding was alleged in that the statement "Sterilized," on the label of the absorbent cotton and gauze bandages, was false and misleading since they were not sterile. Misbranding was alleged further in that the statement on the container, "The White Cross of Perfection is your Protection," was a statement regarding the curative or therapeutic effects of the article and was false and fraudulent.

On November 30, 1937, the American White Cross Laboratories, the intervenor, having withdrawn its appearance, with leave of court, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28316. Adulteration and misbranding of Lacta Kaolin Plain and Lacta Kaolin Laxative. U. S. v. Frank R. Braune and Gertrude Braune. Pleas of nolo contendere. Fines, \$110. (F. & D. No. 38034. Sample Nos. 57024-B, 57025-B.)**

These products were represented to be foods but they contained talc, a non-food substance, and one contained phenolphthalein, a drug; they contained no kaolin. The labeling also bore false and fraudulent representations regarding their curative or therapeutic effects.

On March 17, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank R. Braune and Gertrude Braune, Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 13, 1936, from the State of Illinois into the State of Michigan of quantities of the hereinafter-described drug products, which were adulterated and misbranded. They were labeled in part: "Lacta Kaolin Plain [or "Laxative"] \* \* \* Prepared only by Alpha Laboratory \* \* \* Chicago."

Analyses showed that both articles consisted essentially of lactose (milk sugar), cacao powder, agar-agar, and talc; and that the "Laxative" also contained 2.6 grains of phenolphthalein per ounce.

The articles were alleged to be adulterated under the provisions of the law applicable to food in that a nonfood substance, namely, talc, had been mixed and packed therewith so as to reduce and injuriously affect their quality and strength and had been substituted for a food, which they purported to be.

They were alleged to be misbranded under the provisions of the law applicable to drugs in that the statements, "Lacta-Kaolin (Alpha) is not a medicine. It is a food and a cleanser only. It should be taken after rather than before meals as, being a food it may, if taken just before a meal, reduce the desire for other food," appearing in the labeling, were false and misleading in that they repre-

sented that each of the articles was exclusively a food, whereas it contained a substantial quantity of a mineral substance, namely, talc; and the "Laxative" contained  $2\frac{1}{2}$  grains of a laxative drug, namely, phenolphthalein. They were alleged to be misbranded further in that the statement "Lacta-Kaolin" was false and misleading since they contained no kaolin. Further misbranding was alleged in that certain statements regarding their curative or therapeutic effects, appearing in the labeling, falsely and fraudulently represented that they were effective to overcome intestinal putrefaction and to establish an aciduric anti-putrefactive flora; to change the basic cause of halitosis originating in the gastro-intestinal tract; to change the intestinal flora and to keep the colon free from germs of putrefaction; to prevent the development of acute or chronic dangerous conditions in the alimentary tract; to successfully combat intestinal indigestion; to check putrefaction in the intestinal tract; to prevent absorption by the blood of poisons in the intestinal tract, and to avert or prevent rheumatism, arthritis, high blood pressure, heart disease, auto-intoxication, headache, kidney and liver disease, mental dullness, tired feeling, stomach trouble, inflamed intestines, diabetes, clogged skin, and many human ailments that are common conditions associated with the effects of constipation.

Further misbranding of the "Laxative" was alleged in that the statements, "Lacta-Kaolin is a combination of Lactose and Kaolin," "With the addition of 2% agar-agar and deliciously flavored with finest grade cocoa," and "Lacta Kaolin is prepared in the following forms: Plain and Laxative, the latter containing 1 grain of phenolphthalein per ounce," were false and misleading in that the said statements implied that the article consisted solely of lactose and kaolin, agar-agar, and cocoa and that each ounce contained 1 grain of phenolphthalein; whereas the article did not contain kaolin and it contained phenolphthalein in excess of the amount claimed, namely, not less than 2.4 grains per ounce.

On November 17, 1937, the defendants entered pleas of *nolo contendere*, and the court imposed a fine of \$10 against Frank R. Braune and a fine of \$100 against Gertrude Braune.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28317. Misbranding of Allimin. U. S. v. Van Patten Pharmaceutical Co., Inc. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 38587. Sample Nos. 6681-C, 19447-C.)**

The labeling of this product bore false and fraudulent representations regarding its therapeutic and curative effects.

On August 19, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Van Patten Pharmaceutical Co., Inc., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 16, 1936, and January 15, 1937, from the State of Illinois into the States of Louisiana and Colorado, respectively, of quantities of Allimin which was misbranded. The article was labeled in part: "Allimin Genuine Essence of Garlic Parsley \* \* \* Van Patten Pharmaceutical Co., Inc. \* \* \* Chicago."

Analysis showed that the article consisted essentially of plant material, including garlic.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for high blood pressure; and effective as a treatment, remedy and cure for symptoms and causes of high blood pressure, arteriosclerosis, hardening of the arteries and other conditions which accompany or precede high blood pressure, intestinal putrefaction, auto-intoxication, dizzy spells, shortness of breath, sick headaches, nervousness, dizziness, headaches, thoracic oppression, intestinal flatulence and hypertension; effective as a treatment of high blood pressure and related conditions; effective as a relief of heart cases and dyspepsia; effective to diminish a cough and to aid in the digestion and absorption of food; effective to modify the intestinal flora; effective as an antiseptic; and effective as a treatment for auto-intoxication or self-poisoning that comes from accumulated waste matter in clogged intestines and bowels.

On October 11, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28318. Misbranding of Essence of Mistol. U. S. v. 1,282 Dozen Bottles of Essence of Mistol. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 29812. Sample Nos. 22676-A to 22679-A, incl.)

This product contained isopropyl alcohol, which was not declared on the label, as required by law.

On February 7, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,282 dozen bottles of Essence of Mistol at San Francisco, Calif., alleging that the article had been shipped in interstate commerce by Stanco Distributors, Inc., from Bayway, N. J., on or about October 11 and November 18, 1932, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the package failed to bear a statement on the label of the quantity or proportion of isopropyl alcohol contained therein; that the October 11, 1932 shipment carried no declaration whatsoever of isopropyl alcohol; that the bottle label on the other consignment carried an inconspicuous declaration of isopropyl alcohol and that neither the retail carton nor the display carton carried any declaration of the quantity of isopropyl alcohol.

On October 11, 1937, the Stanco Distributors Corporation, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the packages, retail cartons, display cartons, and the shipment of October 11, 1932, be relabeled by placing thereon a statement of the quantity or proportion of isopropyl alcohol contained in the article and also by causing the bottle label to carry a conspicuous declaration of isopropyl alcohol.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28319. Misbranding of Gall-Flo. U. S. v. Gall-Flo Laboratories, Inc., Ella M. DeWeese, Durbin L. Keeney, and Harry T. Lederer. Pleas of nolo contendere; finding of guilty. Fine, totaling \$100 and costs.** (F. & D. No. 37973. Sample No. 67687-B.)

The labeling of this product contained false and fraudulent representations regarding its curative and therapeutic effects.

On October 5, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gall-Flo Laboratories, Inc., and Ella M. DeWeese, Durbin L. Keeney, and Harry T. Lederer, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 9, 1936, from the State of Ohio into the State of West Virginia, of a quantity of Gall-Flo that was misbranded. The article was labeled in part: "Manufactured by Gall-Flo Laboratories, Inc. Cleveland, Ohio."

Analysis showed that the article consisted essentially of water, alcohol, plant extracts, and an unidentified alkaloid.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its curative or therapeutic effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for liver, gall bladder and stomach disorders arising from a sluggish flow of bile, pains in the pit of the stomach, gas, bloating, flatulence, colic, sour or bile eructations, bitter taste in the mouth, nausea, irritability, all-tired-out feeling, dizzy bilious headaches, gall-bladder and liver trouble due to pregnancy, stagnant liver, and most bilious symptoms; and effective to alleviate distress and biliousness arising from a sluggish flow of bile, to aid digestion, to prevent constipation, and to promote normal digestion in the intestines.

On November 19, 1937, the defendants entered pleas of nolo contendere, were found guilty by the court and were each fined \$25. Costs also were imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28320. Misbranding of Dr. J. R. W. Ward's Formulas. U. S. v. Standardized Remedies, Inc., and Joseph Frey. Pleas of nolo contendere. Fine, \$500 each.** (F. & D. No. 39487. Sample Nos. 4522-C, 4577-C, 4578-C, 27962-C, 27963-C.)

The labeling of these products contained false and fraudulent representations regarding their curative and therapeutic effects.

On July 9, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against Standardized Remedies, Inc., New York, N. Y., and Joseph Frey, an officer of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about August 3, October 19 and November 10, 1936, from the State of New York into the States of New Jersey and Missouri of quantities of drug preparations, hereinafter-described, which were misbranded. Portions were labeled: "Formula No. 448 [or "447" or "459"] \* \* \* Dr. J. R. W. Ward's Formulas \* \* \* Standardized Remedies, Inc. \* \* \* Brooklyn, N. Y." The remainder were labeled: "Formula 444 [or "434"] \* \* \* Stand. Rem. Lab. Inc. Brooklyn N. Y."

Analyses of samples showed: (1) That Formula No. 448 contained plant material, including blessed thistle, and probably licorice; (2) that Formula No. 444 contained coarsely ground plant material, including chamomile flowers, cotton-root bark and probably dog grass, senna, and podophyllum; (3) that Formula No. 447 contained plant material, including probably chamomile, podophyllum, and kamala; (4) that Formula No. 434 consisted of plant material, including chamomile flowers, lovage root, and probably cotton-root bark, dog grass, and podophyllum; and (5) that Formula No. 459 contained plant material, including podophyllum root and starch, and other plant tissues not recognized.

The articles were alleged to be misbranded in that the labeling bore statements falsely and fraudulently representing that the preparations were effective in the following treatments: Formula No. 448 for hardening of arteries, Formula No. 444 for dropsy, Formula No. 447 for high blood pressure, Formula No. 434 for diabetes, and Formula No. 459 for weakness of the heart.

On November 26, 1937, pleas of *nolo contendere* having been entered by the defendants, they were sentenced to pay fines in the total amount of \$1,000.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28321. Adulteration and misbranding of Puritan Brand General Tonic, and misbranding of Puritan Brand Liniment and Puritan Brand Treatment Tablets. U. S. v. Clyde Collins Chemical Co., Clyde Collins, and Roy Clark Collins. Pleas of guilty. Total fines, \$400; costs assessed. (F. & D. No. 39744. Sample Nos. 15791-C, 15792-C, 15793-C.)**

The labeling on these products contained false and fraudulent curative and therapeutic claims. The General Tonic was represented to contain iron and nux vomica; whereas it contained an inappreciable amount of iron and no nux vomica.

On August 31, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information (amended September 28, 1937) against the Clyde Collins Chemical Co., a corporation, Memphis, Tenn., Clyde Collins, and Roy Clark Collins, alleging shipment by said defendants in violation of the Food and Drug Act as amended, on or about November 12, 1936, from the State of Tennessee into the State of Georgia of quantities of the above-named products, which were misbranded and the first-named of which was also adulterated. The articles were labeled in part: "Manufactured by Clyde Collins Chemical Co."

Analysis showed that the General Tonic consisted essentially of magnesium sulphate, small proportions of sodium citrate, extracts of plant drugs, saccharin, salicylic acid, and a minute amount of iron compound and water; that the Liniment consisted essentially of light petroleum oil containing small proportions of eucalyptol and methyl salicylate colored with a red dye, and that the Treatment Tablets contained iron oxide, small proportions of zinc phosphide, and strychnine, milk sugar, talc, and a gum.

The tonic was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to contain iron and nux vomica; whereas it contained an inappreciable amount of iron and no nux vomica. It was alleged to be misbranded in that the statements, (circular) "Containing Iron \* \* \* it contains iron, also nux" and (carton and bottle) "Containing Iron," were false and misleading since they represented that the article contained an appreciable amount of iron and nux vomica; whereas it contained an inappreciable amount of iron and no nux vomica.

All products were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic or curative effects, appearing in the labeling, falsely and fraudulently represented that the tonic was effective as a general tonic; as a tonic; as a great body builder and as a health-building and strength-renewing medicine; effective to restore health; effective as a treatment for kidney and bladder ailments; and effective as a relief for bilious-

ness, loss of appetite, general ill health, rheumatism, sour stomach, nerve-sexual debility, impure blood, pimples, blotches, indigestion, torpid liver, weak men and women, kidney and bladder troubles, pains in the back and hips, lost manhood, sallow, muddy complexion, and malaria; and effective to remove filth from the stomach; that the liniment was effective as a treatment, remedy, and cure for rheumatism, stiff, sore or swollen joints, neuralgia, toothaches, pain of any description, cramps, dysentery and summer complaints; and that the treatment tablets were effective as a treatment for men and women in a weak and run-down sex condition; effective to give strength, pep, and energy; and effective when used in connection with Puritan Iron Tonic, to restore lost manhood.

On October 8, 1937, the defendants entered pleas of guilty and the court imposed a fine of \$200 against the corporation, and a fine of \$100 against each of the individual defendants, and assessed costs of the proceedings.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**2S322. Misbranding of Pneumo Oil. U. S. v. 15 Packages of Pneumo Oil. Default decree of condemnation and destruction. (F. & D. No. 39521. Sample No. 14645-C.)**

This product bore on its labeling false and fraudulent representations regarding its curative or therapeutic effects. It also contained less alcohol than was declared on the label.

On May 4, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 packages of Pneumo Oil at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about July 12, 1933, by the Pneumo Oil Co. from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of kerosene, oil of peppermint, and a small amount of camphor. It contained no alcohol.

It was alleged to be misbranded in that the carton, bottle label, and circular bore false and fraudulent statements regarding its effectiveness for the relief of pneumonia, bronchitis, tonsillitis, pleurisy, quinsy, sore throat, neuritis, lumbago, rheumatism, inflammation, coughs, soreness, painful swellings, menstrual suffering, and influenza. The article was alleged to be misbranded further in that the statement "Alcohol 10%," appearing on the carton and bottle label, was false and misleading since it contained no alcohol.

On October 19, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**2S323. Misbranding of Lawrence Caustic Balsam. U. S. v. Lawrence-Williams Co., and Paul T. Lawrence. Pleas of nolo contendere; finding of guilty. Fines, \$200 and costs. (F. & D. No. 38647. Sample No. 28784-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects and false and misleading representations to the effect that it was absolutely safe; whereas it contained cantharides, a blistering agent.

On June 26, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lawrence-Williams Co., a corporation, Cleveland, Ohio, and Paul T. Lawrence, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 21, 1936, from the State of Ohio into the State of New York of a quantity of Lawrence Caustic Balsam which was misbranded. It was labeled in part: "The Lawrence-Williams Co. Cleveland Ohio."

Analysis showed that the article consisted chiefly of a saponified oil, a terpene oil, and cantharides.

It was alleged to be misbranded in that certain statements in the labeling regarding its therapeutic and curative effects, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for human ailments and for torturous ache or pain; effective to relieve human ailments, to strengthen the muscles and as a treatment for open or raw flesh; effective to force out corruption and create a healthy surface; effective to relieve pain in humans; effective as a treatment, remedy, and cure for calked udders, bone spavin, carpalitis (inflammation of the knee), inflammation of the knee joint,



fistula, founder laminitis, acute founder, inflammation of the laminae, laryngitis (inflammation of the throat), inflammation of the head or windpipe (larynx), muscular inflammation, inflammation of the muscles, poll evil (fistula of withers), quittor, all cases in which matter forms in the foot, splint, hard bony tumor, stiffl lameness and strain of ligaments in animals; and effective to promote a new and sounder growth of the hoof. It was alleged to be misbranded further in that the statement in a booklet shipped with the article, "Absolutely Safe," was false and misleading since the article was not absolutely safe but contained cantharides, a blistering agent which rendered it unsafe.

On November 8, 1937, pleas of nolo contendere having been entered on behalf of the defendants, they were found guilty and sentenced to pay fines totaling \$200 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28324. Adulteration and misbranding of elixir sulfanilamide. U. S. v. 5 Gallons and 3 Pints of Elixir Sulfanilamide (and 24 other seizure actions against the same product). Default decrees of condemnation and destruction.** (F. & D. Nos. 40526, 40534, 40557, 40558, 40561, 40562, 40563, to 40566, incl., 40572 to 40576, incl., 40605 to 40609, incl., 40611, 40629, 40633, 40636, 40720, 40721, 40859, 40860. Sample Nos. 21573-C, 24540-C, 24541-C, 39097-C, 39593-C, 43536-C, 43872-C, 43873-C, 44259-C, 44261-C, 44262-C, 47453-C, 47467-C, 48537-C, 49901-C, 49902-C, 49903-C, 54104-C, 56875-C, 57301-C, 57302-C, 57901-C, 57902-C, 58410-C, 58421-C, 61226-C, 62981-C, 62982-C, 62983-C, 64494-C, incl.)

This product was represented to be an elixir of sulfanilamide; whereas it consisted of sulfanilamide in a solution of 75 percent diethylene glycol, a poison, and 25 percent of water.

On October 20, 1937, and on various dates thereafter up to and including November 17, 1937, 25 libels were filed in 15 district courts by the United States attorneys of said districts, acting upon reports by the Secretary of Agriculture, praying seizure and condemnation of a total of 47 gallon bottles, 603 pint bottles, 12 8-ounce bottles, and 103 sample bottles of elixir sulfanilamide in various lots at New York, N. Y.; San Francisco, Calif.; San Juan, P. R.; Jackson, Miss.; Church Road and Richmond, Va.; Salisbury, Md.; Detroit, Highland Park, and Dearborn, Mich.; Alton, Cisne, and East St. Louis, Ill.; Fort Worth, Tex.; Williston and Hampton, S. C.; Waynesboro, Swainsboro, Wrens, and McDonough, Ga.; Bristol, Tenn.; and Kansas City, Mo. The libels alleged that the product, with the exceptions hereinafter referred to, had been shipped in interstate commerce from Bristol, Tenn., Kansas City, Mo., and New York, N. Y., by the S. E. Massengill Co., between the dates of September 4 and October 15, 1937. The lots seized at Bristol, Tenn., and Kansas City, Mo., had been returned to the S. E. Massengill Co. during the latter part of October and the early part of November 1937, by various individuals and firms to whom they formerly had been shipped by the S. E. Massengill Co., the goods having been returned under instructions of said company. One pint bottle seized was part of a lot which had been purchased from the S. E. Massengill Co. by the Meyer Bros. Drug Co. under a guaranty that the product complied with the Federal Food and Drugs Act and had been shipped by the latter firm from St. Louis, Mo., to East St. Louis, Ill., on or about October 5, 1937. The article was labeled in part: "Elixir Sulfanilamide \* \* \* S. E. Massengill Company \* \* \* Bristol, Tenn.-Va."

The libels alleged that the article was adulterated in that its purity fell below the professed standard under which it was sold, namely, "Elixir Sulfanilamide," since it was not an elixir of sulfanilamide but was a solution of sulfanilamide in a mixture of diethylene glycol and water.

It was alleged to be misbranded in that the statement on the bottle label, "Elixir Sulfanilamide," was false and misleading as applied to an article containing sulfanilamide dissolved in diluted diethylene glycol and in that the statement on the sticker attached to the bottle stopper, "Quality Pharmaceuticals," was false and misleading as applied to an article consisting of a solution of sulfanilamide in diluted diethylene glycol. One lot of the article was alleged to be misbranded further in that its label indicated that it was manufactured at Bristol, Tenn.-Va.; whereas that lot had been manufactured at Kansas City, Mo.

No claim was entered for the product. Between the dates of November 12, 1937, and April 13, 1938, judgments of condemnation were entered in all cases and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28325. Adulteration and misbranding of Endofollicolina. U. S. v. 353 Boxes, et al., of Endofollicolina. Default decrees of condemnation and destruction.** (F. & D. Nos. 40154, 40226. Sample Nos. 38096-C, 38097-C.)

This product fell below its professed standard, some samples having been found to possess a potency of less than one-half, some less than one-third, and others less than one-fourth of that declared.

On August 20 and September 2, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 450 boxes of Endofollicolina at New York, N. Y., alleging that the article had been shipped by Istituto Serioterapico Milanese, in part from Genoa, Italy, on or about March 25, 1937, and in part from Milan, Italy, on or about April 14, 1937, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion was labeled: "1000 mouse units per cc. corresponding to 3000 international units." The remainder was labeled "10000 mouse units per cc. corresponding to 30000 international units." All was labeled "Endofollicolina \* \* \* (Follicular Ovarian Hormone in oily solution)."

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, (boxes) "Endofollicolina \* \* \* (Follicular Ovarian Hormone \* \* \*) 1000 [or "10000"] mouse units per cc. corresponding to 3000 [or "30000"] international units determined with the international standard (ketoxyhydroxyoestrin)," (ampuls) "Endofollicolina 1000 [or "10000"] U. T. per cc. \* \* \*," since it contained appreciably less than the stated amount of follicular ovarian hormone.

It was alleged to be misbranded in that the above-quoted statements, borne on the boxes and ampuls, were false and misleading.

No claim having been entered for the lot seized under the libel filed September 2, 1937, it was condemned and ordered destroyed on October 13, 1937. On February 1, 1938, the Italian Drugs Importing Co. Inc., New York, N. Y., claimant in the remaining proceeding, being in default for failure to answer or otherwise plead, judgment was entered condemning the goods seized and ordering that they be destroyed and that costs be taxed against claimant.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28326. Adulteration and misbranding of surgical absorbent cotton. U. S. v. 19 Cases of Surgical Absorbent Cotton. Default decree of condemnation and destruction.** (F. & D. No. 40418. Sample No. 26939-C.)

This product was represented to be absorbent cotton suitable for surgical use, whereas it was contaminated with viable micro-organisms.

On October 4, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of surgical absorbent cotton at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 15, 1937, by the Acme Products Co., Inc., from East Killingly, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Surgical Absorbent Cotton," since it purported to be suitable for surgical use; whereas it was not sterile but contained viable aerobic and anaerobic or facultative anaerobic micro-organisms, rendering it unsuitable for surgical use.

It was alleged to be misbranded in that the statement on the label, "Surgical Absorbent Cotton," was false and misleading as applied to an article that was not suitable for surgical use in that it was not sterile but was contaminated with viable micro-organisms.

On October 20, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28327. Adulteration of chloroform. U. S. v. 35 Bottles and 52 Bottles of Chloroform for Anesthesia. Default decree of condemnation and destruction.** (F. & D. No. 41428. Sample Nos. 45270-C, 45555-C.)

This product failed to conform to the test laid down in the United States Pharmacopoeia for the absence of impurities, and its own standard was not declared.

On January 14, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the



district court a libel praying seizure and condemnation of 87 bottles of chloroform for anesthesia at San Francisco, Calif., alleging that the article had been shipped in interstate commerce in the year 1937 from Bristol, Tenn., by the S. E. Massengill Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia, and its own standard was not stated on the label.

On January 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28328. Misbranding of Minto-San Mint Formaldehyde Spray. U. S. v. Huntington Laboratories of Colorado, Inc. Plea of guilty. Fine, \$100. (F. & D. No. 39818. Sample No. 41187-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On November 18, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Huntington Laboratories of Colorado, Inc., Denver, Colo., alleging shipment by the said defendant in violation of the Food and Drugs Act as amended, on or about May 3, 1937, from the State of Colorado into the State of Utah of a quantity of Minto-San Mint Formaldehyde Spray which was misbranded. The article was labeled in part: "Manufactured and Guaranteed by Huntington Laboratories of Colorado, Inc. \* \* \* Denver, Colorado."

Analysis of a sample of the article showed that it consisted of formaldehyde, soap, oil of spearmint, water, and green coloring matter.

It was alleged to be misbranded in that statements, designs, and, devices appearing on the label falsely and fraudulently represented that it was effective as a corrective medium for pathological and bacteriological disturbances, and effective to have a soothing effect on the throat and nostrils and to greatly relieve coughing and sniffing.

The information alleged that the article was also misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1601, published under that act.

On December 16, 1937, a plea of guilty having been entered, the defendant was sentenced to pay a fine of \$100 for violation of the Food and Drugs Act, and \$200 for violation of the Insecticide Act of 1910.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28329. Misbranding of Fairey Oil and Fairey's Famous Long Life Liquid. U. S. v. Fairey Wholesale Drug Co. and Edison A. Fairey. Plea of guilty. The corporation was fined \$15 and the individual was fined \$10. (F. & D. No. 39780. Sample Nos. 16149-C, 16150-C.)**

The labeling of these products bore false and fraudulent representations regarding their therapeutic and curative effects.

On October 12, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fairey Wholesale Drug Co., a corporation, Orangeburg, S. C., and Edison A. Fairey, an officer of the corporation, alleging that within the 3 years immediately preceding the filing of the information, the said defendants delivered to J. Lagarre Phillips, a duly authorized agent, a quantity of Fairey's Famous Long Life Liquid, that the said agent subsequently transported the article from the State of South Carolina into the State of Georgia; that on or about January 26, 1937, the defendants shipped from the State of South Carolina into the State of Georgia a quantity of Fairey Oil, and that the articles were misbranded in violation of the Food and Drugs Act as amended. They were labeled in part: "Fairey Wholesale Drug Co."

Analyses of samples of the articles showed that Fairey's Famous Long Life Liquid consisted of a water-glycerin solution of plant extractives, including emodin-bearing drugs, with a small amount of sodium benzoate; and that the Fairey Oil consisted of a mixture of turpentine and methyl salicylate dyed with a green dye like chlorophyll; and that it was not an antiseptic and would not prevent infection.



Fairey's Famous Long Life Liquid was alleged to be misbranded in that statements borne on the labeling falsely and fraudulently represented that it was capable of so affecting the blood, stomach, nerves, kidneys, liver and bladder as to be conducive to longevity; that it was curative and remedial when used in the treatment of indigestion, bad breath, and sick headache; that it was productive of a tonic effect on the kidneys and bladder, and would aid in correcting disorders of those organs that impaired their normal functions; and that it was capable of eliminating impurities from the blood and prolonging human life.

The Fairey Oil was alleged to be misbranded in that statements appearing in the labeling falsely and fraudulently represented that it was effective to relieve neuralgia, rheumatism, toothache, headache, stiff neck, lame back, sore throat, cold in chest, pains in the head, side, stomach, feet, limbs, shoulders, and all parts of the body, that it was curative and remedial for cramps, colic pain in the stomach, sore throat, and a hacking cough, if and when administered as directed in the statements; that it was an antiseptic healing oil and was preventive of infection, and that its efficacy as such preventive was equal to that of iodine, peroxide of hydrogen, or bichloride of mercury, and that its absolute harmlessness rendered it superior as a preventive over those drugs; that it was preventive of infection when poured on cuts, scratches, mosquito bites, and flea bites; that it would take the soreness out of bunions, relieve aching feet, stiff joints, stiff muscles, and all aches and pains; that it was curative of rheumatism when used as directed in the statements; that it would relieve at once from coughs and aches and pains in the chest when rubbed on the chest; that it was curative of cramps and colic when used as directed, that it was efficacious as a pain killer and possessed novelty as such by reason of its "wonderful penetrating quality" which had been proved by the discovery of its presence in the urine after rubbing with the article; that it was capable of curing common sore throat in one night when used as directed in the statement; that it was effective as an antiseptic and germicide in the treatment of common sore throat; and that inhalation of the fumes and vapor of the article would combat the germs of flu.

On November 15, 1937, pleas of guilty having been entered by the defendants, they were sentenced to pay fines in the total amount of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28330. Misbranding of Midland Hospital Germolyptus. U. S. v. Midland Chemical Laboratories, Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 39841. Sample No. 45756-C.)**

The labeling of this product bore false and misleading statements regarding its effectiveness as a disinfectant, germicide, and antiseptic, and failed to bear a statement of the quantity of alcohol contained therein.

On December 7, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Midland Chemical Laboratories, Inc., alleging shipment in violation of the Food and Drugs Act by the said defendant on or about July 1, 1937, from the State of Iowa into the State of Minnesota of a quantity of Midland Hospital Germolyptus which was misbranded. The article was labeled in part: (Drum) "Manufactured only by Midland Chemical Laboratories, Inc., Dubuque, Iowa."

It was alleged to be misbranded in that it contained alcohol and the package or drum failed to bear a statement on the label of the quantity or proportion of the alcohol contained therein. It was alleged to be misbranded further in that the following statements, "Germolyptus A reliable germicide, disinfectant, antiseptic \* \* \* ingredients of high germicidal value \* \* \* For washing hands \* \* \* use 2% solution \* \* \* For cuts, scratches, bites, stings, abrasions, and open wounds in general, soaking, washing and irrigating—use 4% solution. Mucous Membranes, douches (vaginal) and irrigations—use 4% solution. For mouth wash and gargle—use 10 to 15 drops to a glass of water. For chafing, itching—use 3% solution: \* \* \* Hair and scalp—use 4% solution," borne on the label, were false and misleading since they represented that the article was an effective germicide, disinfectant, and antiseptic when used as directed; whereas it would not be an effective germicide, disinfectant, or antiseptic when used as directed.

The information alleged that the article was also misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1602 published under that act.

On December 7, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$50 and costs for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28331. Misbranding of Vegetate Formulas.** U. S. v. 16 Bottles of Vegetate Formula No. D-44, et al. Default decree of condemnation and destruction. (F. & D. Nos. 40071 to 40074, incl., 41368 to 41371, incl., 40291 to 40293, incl., 40115 to 40118, incl. Sample Nos. 36708-C to 36711-C, incl., 47568-C, 47570-C, 47708-C, 47709-C, 38613-C to 38619-C, incl., 15184-C to 15189-C, incl.)

The labeling of these products bore false and fraudulent statements and devices regarding their therapeutic and curative effects, and false and misleading statements regarding the amount of minerals they would supply.

On August 17 and 21 and September 21, 1937, and January 17, 1938, the United States attorneys for the Northern District of Illinois, the Southern District of New York, and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of various lots of Vegetate Formulas at Cleveland, Ohio, New York, N. Y., and Evanston, Ill., alleging that the articles had been shipped in interstate commerce between the dates of February 28, 1936, and November 10, 1937, by Vegetates, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples showed that Formula No. H-410 consisted essentially of material derived from vegetables, including leafy vegetables and garlic—four samples analyzed contained 0.03, 0.03, 0.05, and 0.12 grain of phosphorus per tablet; Formula No. D-44 consisted essentially of dried vegetable material, yielding ash material approximately 1 grain per tablet, representing from 0.08 to 0.09 grain of calcium, 0.04 to 0.05 grain of phosphorus, 0.003 grain of iron, 0.1 grain of sodium, 0.03 to 0.04 grain of magnesium, 0.05 to 0.06 grain of sulphur, and 0.11 to 0.12 grain of chlorine; Formula No. A-45 consisted essentially of dried vegetable material containing phosphorus compounds equivalent to not more than 0.04 grain of phosphorus per tablet; Formula No. A-417 consisted essentially of dried vegetable material yielding ash material approximately 1 grain per tablet representing from 0.002 to 0.004 grain of iron, 0.09 grain of calcium, and 0.03 to 0.04 grain of phosphorus.

The articles were alleged to be misbranded in that the following statements on the labels of portions and similar statements on the labels of the remainder were false and misleading since the articles if consumed in accordance with the directions, would supply but inconsequential amounts of the ingredients claimed: (Formula No. H-410) “\* \* \* composed of \* \* \* vegetables, selected and grown with particular regard to a high phosphorus \* \* \* content \* \* \* Directions Adults: 2 to 3 tablets, 3 times a day”; (Formula No. A-417) “The actual breakage of the cellulose cells make available organic iron, calcium and phosphorus \* \* \* Directions Adults: Three or four tablets, three times a day”; (Formula No. A-45) “Is composed of the concentrates of raw vegetables and are so processed and proportioned as to make available a high content of organic phosphorus. The leafy vegetable ingredients, asparagus, beet leaves and endive, are all prolific sources of organic phosphorus, \* \* \* Directions Adults: Three or four tablets, three times a day”; (Formula No. D-44) “Vegetate Formula No. D-44 is composed of the concentrates of raw vegetables and is so processed and proportioned as to make available organic calcium, phosphorus, iron, sodium, magnesium, sulphur and chlorine \* \* \* Directions Adults: Three or four tablets, three times a day.”

Portions of the Formula No. H-410 were alleged to be misbranded further in that the statement appearing on the label, “Garlic Tablets,” was false and misleading since the article contained ingredients derived from vegetables other than garlic.

The articles were alleged to be misbranded further in that the combination of letters and numbers, “Vegetate Formula No. D-44 [or “H-410,” “A-417,” or “A-45”],” borne on the labels of the respective products, were devices regarding the curative and therapeutic effects of the article since they meant to purchasers that the articles were treatments for diabetes, high blood pressure, asthma and hay fever, and arthritis, respectively, having attained such meaning to purchasers as the result of statements appearing in booklets entitled “Wrong Diet the Curse of the Age,” which were distributed to customers and



prospective customers and in which the said articles were separately described as being effective as follows: Formula D-44 in the treatment of diabetes; Formula H-410 in the treatment of high blood pressure; Formula A-417 in the treatment of asthma and hay fever, and Formula A-45 in the treatment of arthritis.

Portions of the "A-45" and "H-410" were alleged to be misbranded further in that the statement, "This product is not intended for the treatment of disease but is a food adjuvant and tends toward the building of health," borne on the bottle label, was false and fraudulent since the article was not a food adjuvant tending toward the building of health.

On October 9 and 15 and November 8, 1937, and April 12, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28332. Adulteration and misbranding of acetanilid and salol tablets, Blaud's Tablets, and phenolphthalein tablets. U. S. v. George A. Colvin and Humphrey D. Brock (Brunswick Tablet Co.). Pleas of nolo contendere. Fines of \$50 and costs. (F. & D. No. 39782. Sample Nos. 6550-C, 14841-C, 14844-C, 33426-C, 33430-C.)**

The acetanilid and salol tablets contained less acetanilid and salol than declared; the Blaud's Tablets contained less ferrous carbonate than required by the pharmacopoeia and less iron sulphate exsiccated than declared; the phenolphthalein tablets contained four-fifths the labeled amount of phenolphthalein.

On October 22, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George A. Colvin and Humphrey D. Brock, trading as the Brunswick Tablet Co., at Chicago, Ill., alleging shipment in violation of the Food and Drugs Act by the said defendants on or about February 26, March 13 and 20, 1937, from the State of Illinois into the States of Michigan and Wisconsin, of quantities of drug tablets which were adulterated and misbranded. The articles were labeled in part: "Manufactured by Brunswick Tablet Company, Manufacturing Chemists, Chicago, Illinois."

The acetanilid and salol tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain  $2\frac{1}{2}$  grains of acetanilid and  $2\frac{1}{2}$  grains of salol; whereas each of said tablets contained less than  $2\frac{1}{2}$  grains, namely, not more than 2.12 grains of acetanilid and 2.25 grains of salol. The said articles were alleged to be misbranded in that the statement borne on the bottle label, "Tablets \* \* \* Acetanilid  $2\frac{1}{2}$  gr.; Salol  $2\frac{1}{2}$  gr.," was false and misleading.

The Blaud's Tablets were alleged to be adulterated in that they were sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity, as determined by the test laid down in the pharmacopoeia in that each tablet contained less than 0.06 gram of ferrous carbonate—samples of the two shipments having been found to contain not more than 0.046 and 0.043 gram respectively; whereas the pharmacopoeia provides that Blaud's pills, i. e., Blaud's tablets, each shall contain not less than 0.06 gram of ferrous carbonate, and the standard of strength, quality, and purity of the article was not declared on the container thereof. The article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of said tablets was represented to contain  $2\frac{1}{2}$  grains of iron sulphate exsiccated; whereas each of said tablets contained less than  $2\frac{1}{2}$  grains,—samples from the two shipments having been found to contain not more than 1.08 grains and 1.01 grains, respectively, of iron sulphate exsiccated. The said article was alleged to be misbranded in that the statement on the bottle label, "Tablets \* \* \* Iron Sulp. Ex.  $2\frac{1}{2}$  grains," was false and misleading.

The phenolphthalein tablets were alleged to be adulterated in that they were sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in the formulary in that each of said tablets was represented by the label to contain 1 grain of phenolphthalein, whereas they contained less than 1 grain, namely, not more than approximately four-fifths grain of phenolphthalein—samples of the two shipments having been found to contain not more than



81 percent and 82 percent, respectively, of the labeled amount; whereas the formulary provides that tablets of phenolphthalein shall contain not less than 92.5 percent of the labeled amount of phenolphthalein, and the standard of strength, quality, and purity of the article was not declared on the container thereof. The said article was alleged to be misbranded in that the statement borne on the bottle label, "Tablets Phenolphthalein, 1 Grain," was false and misleading.

On December 13, 1937, pleas of nolo contendere having been entered by the defendants, they were each sentenced to pay a fine of \$25, totaling \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28333. Misbranding of Rinex. U. S. v. 31 Bottles of Rinex. Default decree of condemnation and destruction.** (F. & D. No. 40238. Sample No. 53463-C.)

The labeling of this product bore false and fraudulent representations regarding its therapeutic and curative effects.

On September 2, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 bottles of Rinex at New Iberia, La., alleging that the article had been shipped in interstate commerce on or about January 27, 1936, from Cleveland, Ohio, by Rinex Laboratories, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted of capsules and tablets, each capsule containing acetophenetidin (1 grain), aspirin (2.3 grains), quinine (0.2 grain), camphor, and a laxative plant drug. Each tablet contained sodium bicarbonate (3 grains).

The article was alleged to be misbranded in that the following statements in the labeling were statements regarding the curative and therapeutic effectiveness of the article, and were false and fraudulent: "Dr. Platt's Rinex Prescriptions Hay Fever Asthma Complete Relief Guaranteed in 24 hours Catarrh Head Colds Dr. Platt's Rinex Prescription is guaranteed to relieve Asthma, Hay Fever, Rose Fever and Catarrh in 24 hours. \* \* \* Head Colds: Rinex is guaranteed as in the foregoing to dispel Head Colds in 5 hours."

On October 15, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28334. Adulteration and misbranding of Vita-Mil. U. S. v. The Quaker Herb Co. and William Barth. Pleas of guilty. Fines, \$200 and costs.** (F. & D. No. 39797. Sample Nos. 13675-C, 15929-C, 16342-C, 22536-C, 22537-C, 48725-B.)

This product was represented to consist solely of substances derived from roots, herbs, and barks; whereas it contained a substantial amount of Epsom salt, a mineral drug. Portions of the product bore on the label statements and a device regarding its curative or therapeutic effects which were false and fraudulent.

On November 17, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Quaker Herb Co., a corporation, Cincinnati, Ohio, and William Barth, an officer of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 9 and December 3, 1935, from the State of Ohio into the States of Georgia and Florida of quantities of Vita-Mil which was adulterated and misbranded; and on or about April 2, July 28, and September 15, 1936, from the State of Ohio into the States of Florida and Mississippi of quantities of Vita-Mil which was misbranded. The article was labeled in part: "Vita-Mil \* \* \* Distributed by The Vita-Mil Company Charleston, W. Va."

Samples of the article were found upon analyses to consist essentially of Epsom salt (from 21 to 23 percent), extracts of plant drugs, including a laxative drug, and water, preserved with benzoic acid and sweetened with saccharin.

All shipments were alleged to be misbranded in that the statements appearing on the labeling of portions, "Made from roots, herbs and barks from all parts of the Earth," and statements appearing on the labeling of the remainder, "A medicine made from roots, herbs and barks and other medicinal in-

gredients," were false and misleading in that they represented that the article was composed of roots, herbs, and barks; whereas it contained a mineral drug, namely, Epsom salt, in amounts ranging from 21 to 23 percent.

The earlier shipments, namely, those of November 9 and December 3, 1935, into Georgia and Florida, respectively, were alleged to be adulterated in that the article fell below the professed standard and quality under which it was sold, in that it was not made from roots, herbs, and barks from all parts of the earth but consisted essentially of Epsom salt (approximately 25 grams per 100 cc.), extracts of plant drugs, including a laxative drug, and water, preserved with benzoic acid and sweetened with saccharin.

The said shipments of November 9 and December 3, 1935, were alleged to be misbranded in that there was borne on the bottle and the carton the device "Vita-Mil" which was applied to the article as its name; that by advertisement and representations concerning the article the producer and manufacturer had declared that the said device signified "Health for Millions"; that as so applied to the article it constituted a device regarding the curative and therapeutic effects of the article which was false and fraudulent in that it represented that the article was composed of or contained ingredients effective to produce and maintain health in the human body; whereas it was not composed of and did not contain ingredients or medicinal agents effective to produce and maintain a state of health in the human body. The product in the said shipments was alleged to be misbranded further in that the carton and the bottle bore the statements "Made from roots, herbs and barks from all parts of the earth containing no Harmful drugs. A perfected Combination beneficial to the control of the Stomach and Sluggish Liver"; that the said statements were false and fraudulent in that they represented that the article was effective to control the condition of the human stomach and a sluggish condition of the liver, whereas it would not be effective for such purposes.

On January 7, 1938, the defendants entered pleas of guilty and were each fined \$100. Costs were imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28335. Misbranding of surgical absorbent cotton. U. S. v. 189 Packages of Surgical Absorbent Cotton. Default decree of condemnation and destruction.** (F. & D. No. 39999. Sample No. 37797-C.)

This product was represented to consist of absorbent cotton suitable for surgical use; whereas it was contaminated with viable micro-organisms.

On July 22, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 189 packages of surgical absorbent cotton at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about June 17, 1937, by the Acme Cotton Products Co., Inc., from Dayville, Conn., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements on the carton, "Snopure Surgical Absorbent Cotton \* \* \* This surgical cotton has been processed to a high degree of \* \* \* refinement. It is recommended for sick-room, first-aid, nursery \* \* \* purposes," were false and misleading since the article was not sterile but was contaminated with viable micro-organisms.

On December 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28336. Adulteration and misbranding of hospital absorbent cotton. U. S. v. 19 Dozen Packages of Hospital Absorbent Cotton. Default decree of condemnation and destruction.** (F. & D. No. 40522. Sample No. 56864-C.)

This product was represented to be hospital absorbent cotton of the highest purity; whereas it was contaminated with viable micro-organisms.

On October 21, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 dozen packages of absorbent cotton at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 26, 1937, by the Acme Cotton Products Co., Inc., from Dayville, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (carton) "A Highest \* \* \* Cotton for \* \* \* Sanitary or First Aid \* \* \* Hospital Laboratory Tested Absorbent Cotton," since it was nonsterile absorbent cotton.

It was alleged to be misbranded in that the following statements, borne on the carton, were false and misleading as applied to nonsterile absorbent cotton: "Hospital Laboratory Tested Absorbent Cotton \* \* \* A High Test \* \* \* Cotton \* \* \* for \* \* \* Sanitary or First Aid. This hospital quality absorbent cotton is processed under rigid and exacting laboratory methods to attain purity. \* \* \* Its complete wholesomeness recommends it for all delicate nursery requirements, for sanitary needs or for first aid uses." It was alleged to be misbranded further in that the words "Acme Cotton Products," constituting a portion of the firm name, Acme Cotton Products Co. Inc., borne on the carton, were false and misleading as applied to cotton not of the highest purity but which was contaminated with viable micro-organisms.

On November 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28337. Adulteration of solution citrate of magnesia. U. S. v. I. L. Lyons & Co. Ltd. Plea of guilty. Fine, \$50. (F. & D. No. 39477. Sample No. 13879-C.)**

This product was sold under a name recognized in the United States Pharmacopoeia and differed from the standard prescribed therein.

On May 17, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against I. L. Lyons Co. Ltd., a corporation, New Orleans, La., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 31, 1936, from the State of Louisiana into the State of Mississippi of a quantity of solution citrate of magnesia which was adulterated.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, in that each 100 cubic centimeters contained an amount of magnesium citrate corresponding to less than 1.6 grams, namely, not more than 1.11 grams of magnesium oxide; whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters an amount of magnesium citrate corresponding to not less than 1.6 grams of magnesium oxide; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On December 9, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28338. Misbranding of Pinolator Treatment. U. S. v. 47 Packages of Pinolator Treatment (and two other seizures of the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 40917, 41001. Sample Nos. 47892-C, 56721-C.)**

This treatment consisted of a vaporizing apparatus and a bottle of liquid labeled "Pinolator Aromatic." The labeling of the product bore false and fraudulent curative and therapeutic claims.

On November 26 and December 6, 1937, the United States attorneys for the District of Massachusetts and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 47 packages of Pinolator Treatment at Boston, Mass., and 35 packages of the product at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce between the dates of October 8 and November 20, 1937, in part by the Pinolator Co. from Minneapolis, Minn., into the States of Massachusetts and New York, and in part by Abraham & Straus, Inc., from New York, N. Y., into the State of Massachusetts, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the liquid consisted essentially of small proportions of thymol, benzoic acid, and volatile oils, including pine-needle oil, peppermint oil, and camphor, and acetone, colored with a green dye.



The article was alleged to be misbranded in that its labeling bore false and fraudulent representations regarding its effectiveness in the treatment of sinusitis, hay fever, asthma, croup, bronchial infections, pneumonia, tonsillitis, bronchitis, and laryngitis. Portions of the article were alleged to be misbranded further in that the circular contained a diagram representing the anatomy of the upper respiratory passages and the sinuses connected therewith which was false and fraudulent since it created the impression that the article when used as directed, would be effective in treating diseased conditions of those parts of the anatomy represented in the diagram; whereas it would not.

On January 18 and January 24, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28339. Misbranding of Formula 281. U. S. v. Harry Gorov (Isabella Laboratories). Plea of nolo contendere. Fine, \$50. (F. & D. Nos. 39730, 39822. Sample Nos. 12804-C, 14459-C, 33781-C, 41238-C.)**

The labeling of this preparation bore false and fraudulent representations regarding its curative or therapeutic effects and false and misleading representations that it was a safe and appropriate remedy for the reduction of fat; whereas it contained dinitroresol, a drug which is potentially dangerous.

On July 8, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry Gorov, trading as Isabella Laboratories, Chicago, Ill. On November 24, 1937, a second information was filed against the same defendant in the said judicial district. The informations alleged shipment by the defendant in violation of the Food and Drugs Act as amended, on or about October 7, 1936, and June 1, 11, and 28, 1937, from the State of Illinois into the States of Ohio, Utah, Michigan, and Wisconsin of quantities of Formula 281 which was misbranded. The article was labeled in part: "Improved Formula 281 \* \* \* Isabella Laboratories \* \* \* Chicago, Ill."

Analyses showed that the article consisted of tablets containing dinitroresol and phenolphthalein, the samples examined containing from 0.32 grain to 0.46 grain of the former and 0.25 grain to 0.29 grain of the latter per tablet.

The article was alleged to be misbranded in that the bottle label bore the statements (1) "Scientifically Correct Fat Reducing Preparation," (2) "Dose—1 to 3 Tablets Daily"; that there was attached to the bottle a leaflet bearing the statements (3) "Directions—For the first 3 days, take 1 tablet with a glass of water, after breakfast only; the next four days, take 1 tablet after breakfast and 1 after lunch; after that, take 1 tablet after each meal, 3 a day, *no more*," (4) "we \* \* \* have had proven beyond any question of doubt that this preparation does not affect the heart or other vital organs"; that the statement (1) represented that the article was a medicinally correct fat-reducing preparation in the sense of being in accordance with scientific standards, whereas it was not a medicinally correct preparation in such sense; in that the statements (2 and 3) implied that use of the article as directed was approved and recommended by scientific authority, i. e., those having scientific knowledge of the effects of drugs on the human body and that it was a medicinal agent capable of reducing fat without potential harm, whereas the use of the article had not been approved by such authority, and the statement (4) representing that it had been proven that the use of the article as directed for reducing fat would not affect the heart or other vital organs, whereas the article contained as its active ingredient dinitroresol, a drug potentially dangerous to the heart and other vital organs; and that the said statements were false and misleading.

The article was alleged to be misbranded further in that the statements borne on the labeling, (bottle) "Fat Reducing Preparation," (attached to bottle) "Have lost 77 lbs. Cannot praise them enough." "Have lost 75 lbs.," "Have lost 18 lbs. Never felt better in my life," "The three of us are well pleased with the results. We feel much better and it has shown absolutely no ill effects," "I have lost 27 lbs. in two months," "I used two bottles and lost 15 lbs.," "Have lost 10 lbs. and do not feel any discomfort from taking it," "Having wonderful results from your preparation. Walking more and feeling better than I have for a good many years," "Now literally burning the fat away. Glad I persevered.

Am making my dresses smaller"; (bottle) "Dosage—1 to 3 Tablets Daily"; (leaflet attached to bottle) "Directions. For the first 3 days, take 1 tablet with a glass of water, after breakfast only; the next 4 days, take 1 tablet after breakfast and 1 after lunch; after that, take 1 tablet after each meal, 3 a day, *no more*," were false and fraudulent in that they represented that the article was capable of reducing fat without endangering the health of any person if used as directed; whereas the article contained dinitroresol as its active ingredient in a quantity sufficient to have a potentially harmful effect on the heart and other vital organs.

On December 7, 1937, the cases having been consolidated and a plea of *nolo contendere* having been entered by the defendant, he was sentenced to pay a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28340. Misbranding of cold capsules. U. S. v. S. Pfeiffer Manufacturing Co. Plea of guilty. Fine, \$300 and costs. (F. & D. No. 39773. Sample Nos 21601-C, 34553-C, 34554-C.)**

These capsules contained greater amounts of acetanilid than declared.

On September 14, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the S. Pfeiffer Manufacturing Co., a corporation, St. Louis, Mo., alleging shipment by the said defendant in violation of the Food and Drugs Act on or about October 20, 1936, and March 5, 1937, from the State of Missouri into the State of Alabama of quantities of cold capsules which were misbranded. The article was labeled variously in part: "Gold Medal \* \* \* Cold Capsules \* \* \* S. Pfeiffer Mfg. Co., St. Louis, Mo. Distributors"; "Alpha Cold Capsules \* \* \* Virginia Chemical Co., St. Louis, Missouri"; "Gray's Cold Capsules \* \* \* Gray Pharmacal Co. St. Louis, Mo."

The article was alleged to be misbranded in that the statement borne on the packages, "Each Capsule Contains 1½ Grains Acetanilid," was false and misleading in that it represented that each of the capsules contained 1½ grains of acetanilid, whereas each of the capsules contained more than 1½ grains, to wit, not less than 1.79 grains of acetanilid; and in that it contained acetanilid, and the label on the package failed to bear a statement of the quantity or proportion of acetanilid contained therein.

On November 13, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$300 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28341. Misbranding of Van's Magic Oil. U. S. v. Guy S. Vanderlinde. Plea of nolo contendere. Fine, \$50. (F. & D. No. 39827. Sample Nos. 34047-C, 34048-C.)**

The labeling of this product bore false and fraudulent representations regarding its therapeutic and curative effects.

On November 15, 1937, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Guy S. Vanderlinde, Muskegon, Mich., alleging shipment by the said defendant in violation of the Food and Drugs Act as amended, on or about April 1 and 26, 1937, from the State of Michigan into the State of Illinois, of quantities of Van's Magic Oil which was misbranded. The article was labeled in part: "Van's Magic Oil Mfd by Guy S. Vanderlinde Muskegon, Mich. Successor To N. C. Vanderlinde."

Analysis of a sample of the article showed that it consisted essentially of volatile oils including camphor and eucalyptol (10 percent) incorporated in a base of linseed oil.

The article was alleged to be misbranded in that statements appearing in the labeling falsely and fraudulently represented its effectiveness in the treatment of nervous and inflammatory diseases, headache, toothache, rheumatism, lame back or side, neuralgia, burns, cuts, bronchitis, sore throat, coughs, hoarseness, piles, pains in back or side, and teething.

On November 18, 1937, the defendant entered a plea of *nolo contendere*, and he was sentenced to pay a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28342. Misbranding of Four Star One Night Healing Salve. U. S. v. 140 Jars of Four Star One Night Healing Salve. Default decree of condemnation and destruction. (F. & D. No. 39558. Sample No. 18689-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative and therapeutic effects.

On May 4, 1937, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 jars of Four Star One Night Healing Salve at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce on or about February 27, 1937, by the Leone Perfumers Keystone Laboratories, from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of menthol, eucalyptol, methyl salicylate, and camphor incorporated in petrolatum.

It was alleged to be misbranded in that the following statement on the jar label, "Healing \* \* \* For \* \* \* croup and respiratory disorders; For sore Throat and coughs, \* \* \* For \* \* \* hay fever, catarrh, asthma, \* \* \* all skin infections \* \* \* for pneumonia, acute bronchitis, influenza and croup," regarding its curative and therapeutic effects, were false and fraudulent.

On January 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28343. Adulteration and misbranding of thyroid tablets and phenolphthalein tablets. U. S. v. Ehrhart & Karl, Inc. Plea of nolo contendere. Fine, \$100. (F. & D. No. 39833. Sample Nos. 33443-C, 33444-C.)**

These tablets contained smaller amounts of thyroid and phenolphthalein, respectively, than the amount declared on the label.

On November 24, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ehrhart & Karl, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 29, 1937, from the State of Illinois into the State of Michigan of quantities of thyroid tablets and phenolphthalein tablets which were adulterated and misbranded. They were labeled: "Prepared by Ehrhart & Karl, \* \* \* Chicago, Ill."

The thyroid tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain one-quarter grain of thyroid, whereas each tablet contained less than represented, namely, not more than 0.18 grain of thyroid. They were alleged to be misbranded in that the statement on the label, "Tablet Triturates Thyroid  $\frac{1}{4}$  Gr.," was false and misleading.

The phenolphthalein tablets were alleged to be adulterated in that they were sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary, since they contained not more than 49.4 percent of the labeled amount of phenolphthalein, equivalent to less than one-fourth grain of phenolphthalein, whereas the formulary provides that tablets of phenolphthalein shall contain not less than 92.5 percent of the labeled amount of phenolphthalein, and the standard of strength, quality, and purity of the article was not declared on the label. They were alleged to be adulterated further in that each of the tablets was represented to contain one-half grain of phenolphthalein, whereas each of said tablets contained less phenolphthalein than represented, namely, not more than one-fourth grain. They were alleged to be misbranded in that the statement "Tablet Triturates Phenolphthalein Pure  $\frac{1}{2}$  Gr.," borne on the bottle label, was false and misleading.

On December 2, 1937, a plea of nolo contendere was entered and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28344. Adulteration and misbranding of V-T Preparation, and misbranding of aspirin tablets. U. S. v. T-Lax Products Co. and Clemmie L. Carmichael. Pleas of guilty. Corporation fined \$25; Clemmie L. Carmichael placed on probation for 3 years. (F. & D. No. 39798. Samples Nos. 16050-C, 22710-C, 34533-C, 34949-C, 44908-C.)**

The labeling of these products contained false and fraudulent representations regarding their curative and therapeutic effects. The T-V Preparation was represented to contain vitamin B, whereas it contained no vitamin B.



On January 5, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the T-Lax Products Co., a corporation, and Clemmie L. Carmichael, an officer of the corporation, of Bessemer, Ala., alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, on or about January 29, 1937, from the State of Alabama into the State of Georgia of a quantity of V-T Preparation which was adulterated and misbranded, and on or about February 17, March 18, and April 15, 1937, from the State of Alabama into the States of Florida and Georgia of quantities of aspirin tablets which were misbranded. The former was labeled: "V-T Preparation \* \* \* a reconstructive tonic with vitamin B added \* \* \* V-T Laboratories, Inc., Bessemer, Ala." The latter was labeled: "Taylor Made Genuine (acetylsalicylic Acid) Aspirin \* \* \* W. D. Taylor & Co. Mfg. Chemists Bessemer, Ala."

Analysis of the V-T Preparation showed that it consisted essentially of extracts of plant drugs including a laxative drug, small quantities of potassium iodide and sodium salicylate, alcohol, sugar, and water. The V-T Preparation was alleged to be misbranded in that certain statements on the bottle labels and cartons and in a circular shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective to reconstruct and reinvigorate those organs of the human body that had ceased to function normally; to be of high therapeutic action in the treatment of any disease, disorder, or condition in the human body that had lowered the general vigor of such body; to prevent and cure a neuritic condition; to prevent and cure beriberi; to prevent and cure pellagra; to maintain body weight; to impart tone to the body; to introduce into the body a health creating and preserving substance, namely, vitamin B; to reconstruct and reinvigorate those organs of the human body that had ceased to function normally as a consequence of stomach, liver and kidney troubles; to cure stomach bloating and belching; to eliminate impurities and poisons from the stomach; to relieve indigestions; to build up worn-out tissues; to cleanse the liver of poison bile; to remove spots before the eyes and dizzy spells; to relieve sick headache; to create a feeling of "pep"; to relieve pain in the back and legs through a flushing action on the kidneys that removes impurities therefrom and builds up the worn-out tissues thereof; to cure nervousness, leg and back pains, remove the condition that causes one to "get up several times at night," and restore "vim and vitality"; to remove impurities from the blood; to prolong life; to cause to be healthy generally and to be in a physical condition admitting of enjoyment of life to the utmost; to increase bodily weight and strength; to restore lost appetite; to prevent deadly winter colds and flu; to introduce into the human body the minerals and vitamins that are essential to its vigorous health and strength; to promote rich red blood, strength and endurance; to increase the appetite for wholesome nourishing food and to promote strong, vigorous digestion; to encourage vital organs to normal activity and to aid metabolism; to counteract sluggishness of the liver and bowels; to cleanse the system of poisonous waste and to cause elimination to become thorough and regular; to improve strength, appetite, and digestion; to clear the skin and to cause sleep to become sound and refreshing; to replace a nervous, worn-out, draggy feeling by a feeling of health and physical well-being.

The V-T Preparation was alleged to be misbranded further in that the statements, (carton) "Vitamin B added" and "Greatly enhanced by the Vitamin B Complex," (circular) "V-T Preparation has the Vitamin B complex added," "Vitamin 'B' added," "the V-T Preparation with Vitamin 'B' added," "then lastly the Vitamin 'B' Complex is added," and "this modern medicine contains the Vitamin 'B'," were false and misleading since the article contained no vitamin B.

The V-T Preparation was alleged to be adulterated in that it fell below the professed standard and quality under which it was sold, in that it was labeled "Vitamin B added": whereas vitamin B was not present in the article.

The aspirin tablets were alleged to be misbranded in that certain statements on the box containing them, regarding their curative and therapeutic effects, falsely and fraudulently represented that they were effective for the relief of grip, lumbago, flu, etc.

On January 20, 1938, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$25 against the T-Lax Products Co., and placed defendant Clemmie L. Carmichael on probation for 3 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28345. Adulteration and misbranding of nitroglycerin tablets, acetophenetidin tablets, quinine sulphate tablets, and cinchophen tablets. U. S. v. Physicians' Chemical & Drug Co. Plea of nolo contendere. Fine, \$110. (F. & D. No. 39806. Sample Nos. 9596-C, 41510-C, 41512-C, 41515-C.)**

These tablets contained smaller amounts of nitroglycerin, acetophenetidin, quinine sulphate, and cinchophen, respectively, than declared on the label.

On November 24, 1937, the United States attorney for the Northern District of Illinois, acting upon a report made by the Secretary of Agriculture, filed in the district court an information against the Physicians' Chemical & Drug Co., a corporation of Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 28, 1937, from the State of Illinois into the State of Nebraska of quantities of nitroglycerin tablets, acetophenetidin tablets, and quinine sulphate tablets, and on or about April 23, 1937, from the State of Illinois into the State of California of a quantity of cinchophen tablets, which products were adulterated and misbranded. The articles were labeled; "The Physicians' Chemical & Drug Company, Chicago, Illinois."

The nitroglycerin tablets were alleged to be adulterated in that they were sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since each tablet was represented to contain 1/150 grain of nitroglycerin, whereas each tablet contained 1/200 grain of nitroglycerin, equivalent to 76.1 percent of the labeled amount of nitroglycerin per tablet, and the pharmacopoeia provides that nitroglycerin tablets shall contain not less than 87.5 percent of the labeled amount of nitroglycerin per tablet, and the standard of strength, quality, and purity of the article was not declared on the container. They were alleged to be adulterated further in that their strength fell below the professed standard and quality under which they were sold. They were alleged to be misbranded in that the statements, "Nitroglycerin Gr. 1/150" and "Guaranteed by the Physicians' Chemical & Drug Co. under the Food and Drug Act, June 30, 1906. Serial No. 2181," borne on the bottle, were false and misleading in that they represented that the tablets each contained 1/150 grain of nitroglycerin, and that the article conformed to the Food and Drugs Act; whereas the tablets contained less than 1/150 grain of nitroglycerin, and did not conform to the Food and Drugs Act.

The acetophenetidin tablets were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain 5 grains of acetophenetidin, whereas each of said tablets contained not more than 3.855 grains of acetophenetidin. They were alleged to be misbranded in that the statement "Acetphenetidin Gr. 5," borne on the bottle, was false and misleading. They were alleged to be misbranded further in that they contained acetophenetidin, a derivative of acetanilid, and the label failed to bear a statement of the quantity and proportion of acetophenetidin, a derivative of acetanilid, contained therein.

The quinine sulphate tablets were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 2 grains of quinine sulphate; whereas they contained not more than 1.57 grains of quinine sulphate per tablet. They were alleged to be misbranded in that the statement "Quinine sulphate Gr. 2" was false and misleading.

The cinchophen tablets were alleged to be adulterated in that they were sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary since each tablet was represented to contain  $7\frac{1}{2}$  grains of cinchophen; whereas each tablet contained approximately 6.42 grains of cinchophen, equivalent to 85.6 percent of the labeled amount, and the formulary provides that cinchophen tablets shall contain not less than 92.5 percent of the labeled amount of cinchophen. They were alleged to be adulterated further in that their strength fell below the professed standard and quality under which they were sold. They were alleged to be misbranded in that the statement "cinchophen  $7\frac{1}{2}$  grains," borne on the bottle label, was false and misleading.

On December 20, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$110.

HARRY L. BROWN, *Acting Secretary of Agriculture.*



**28346. Adulteration and misbranding of Horsford's Acid Phosphate. U. S. v. 34 Bottles of Horsford's Acid Phosphate. Default decree of condemnation and destruction. (F. & D. No. 40421. Sample No. 12046-C.)**

This product contained fluorine in an amount sufficient to render it injurious to health when used according to directions. The labeling bore false and fraudulent curative and therapeutic claims and other misrepresentations.

On October 6, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 bottles of Horsford's Acid Phosphate at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 9, 1937, by the Rumford Chemical Works from Providence, R. I., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, phosphoric acid, the acid phosphates of calcium, magnesium, sodium, potassium, and iron, and 500 parts per million of fluorine.

It was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, fluorine, which might have rendered it injurious to health.

It was alleged to be misbranded in that the statement on the label, "A teaspoonful of Horsford's Acid Phosphate added to a glass of water with sugar makes a wholesome substitute for lemonade," was false and misleading as applied to an article of the composition disclosed by the analysis, and which contained 500 parts per million of fluorine.

It was alleged to be misbranded further in that the bottle label, wrapper, and circular contained false and fraudulent representations regarding its effectiveness as a tonic; its effectiveness in the treatment of mental, nervous, and physical exhaustion, distress after meals, wakefulness, brain fag, lassitude, irritability and seasickness, gastric pain caused by nerve fatigue, overwork, etc., exhaustion incident to hot weather, over-exertion of mind or body, inebriety and other excesses, immediate ill effects of tobacco, headaches due to exposure to the sun and heat; its effectiveness to assist digestion, to increase the secretive activity of the digestive organs, to mildly stimulate the flow of digestive juices from the salivary and gastric glands; and its effectiveness as a "builder-up" in run-down conditions following prolonged illness, failure of proper nourishment from food, loss of appetite, lassitude and weakened or impoverished nerve energy.

On October 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28347. Misbranding of Knox-All Septo-Knox Tablets. U. S. v. 35 Boxes and 24 Boxes of Knox-All Septo-Knox Tablets. Default decree of condemnation and destruction. (F. & D. No. 39937. Sample No. 19982-C.)**

The labeling of this veterinary product contained false and fraudulent representations regarding its curative or therapeutic effects.

On July 3, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 boxes of Knox-All Septo-Knox Tablets at Alta Vista, Iowa, alleging that the article had been shipped in interstate commerce on or about April 28, 1937, by the Knox-All Co. from Freeport, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium sulphate, calcium sulphate, calcium carbonate, talc, starch, and a small amount of cap-sicum.

It was alleged to be misbranded in that the following statements borne on the label, regarding its curative or therapeutic effects, were false and fraudulent: "Knox-All Septo-Knox The ideal treatment for all types of fowls in indicated diaretic conditions, sour crop, and wherever poor appetite may be conclusive evidence of needed stimulation. A positive preventative for coccidiosis and a complete eliminator for the same after it has been contracted. A non-poisonous compound \* \* \* giving the desired results without the use of further curatives. Septo-Knox will care for the most stubborn cases of constipation caused by feeding highly concentrated mash. General Treatment Directions. Baby Chicks: One (1) tablet to each gallon of drinking water from date of hatch to twelve weeks. In indications of coccidiosis, use



(2) tablets per gallon of drinking water for ten days, then reduce to one tablet per gallon."

On December 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28348. Misbranding of solution citrate magnesia. U. S. v. 174 Bottles of Solution Citrate Magnesia. Default decree of condemnation and destruction.** (F. & D. No. 40968. Sample No. 60570-C.)

This product was labeled to indicate that it was a solution of magnesium citrate, a product recognized in the United States Pharmacopoeia; whereas it contained less magnesium citrate and less citric acid than prescribed in the pharmacopoeia.

On December 8, 1937, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 164 bottles of solution citrate magnesia at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 4, 1937, by the Larche Laboratories from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "Solution Citrate Magnesia," blown into the bottle, was false and misleading and tended to deceive and mislead the purchaser into the belief that the article was solution of magnesium citrate, a drug recognized in the United States Pharmacopoeia; whereas it contained magnesium citrate corresponding to not more than 1.33 grams of magnesium oxide per 100 cubic centimeters and each 10 cubic centimeters of the solution contained citric acid equivalent to not more than 22.1 cubic centimeters of half-normal hydrochloric acid; whereas the pharmacopoeia provides that each 100 cubic centimeters of solution of magnesium citrate shall contain an amount of magnesium citrate corresponding to not less than 1.6 grams of magnesium oxide, and that 10 cubic centimeters of the solution shall contain citric acid equivalent to not less than 26 cubic centimeters of half-normal hydrochloric acid.

On January 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28349. Misbranding of Nomooppin. U. S. v. 11 Bottles and 34 Bottles of Nomooppin. Default decree of condemnation and destruction.** (F. & D. No. 40909. Sample Nos. 54356-C, 54357-C.)

The labeling of this veterinary product contained false and fraudulent representations regarding its curative or therapeutic effects.

On or about November 29, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bottles of McMillan's Nomooppin at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about October 18, 1937, by the McMillan Drug Co. from Columbia, S. C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of arsenic trioxide (2 grams per 100 cubic centimeters), a small proportion of potassium carbonate, and water.

It was alleged to be misbranded in that the bottle labels and a circular shipped with a portion of the article bore false and fraudulent representations regarding its effectiveness as an internal preventive and remedy for chicken sorehead and as a tonic.

On January 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28350. Misbranding of Dr. Parker's Tablets. U. S. v. Dr. Parker Medicine Co., William E. Marsh, and William H. Harrison, Jr. Pleas of guilty. Fines, \$200 each, totaling \$600, and costs.** (F. & D. No. 39834. Sample No. 43592-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On December 4, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against the Dr. Parker Medicine Co., Chicago, Ill., and William E. Marsh and William H. Harrison, Jr., officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about May 11, 1937, from the State of Illinois into the State of Florida of a quantity of Dr. Parker's Tablets that were misbranded. The article was labeled in part: "Dr. Parker Medicine Company, Chicago, Ills."

Analysis showed that the tablets contained extracts of plant drugs including nux vomica and resinous material, and a small amount of phosphides.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, on the boxes and in a circular shipped with it, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for sluggish kidneys, torpid liver, nervous debility, low vitality, insomnia, impotency, headaches, loss of appetite and stuffy feeling; effective as a help to better health; effective to eliminate waste matter, poisons, and acids from the kidneys; and effective as a treatment for weak, skinny, run-down, nervous, irritable, and tired conditions; effective as a treatment, remedy, and cure for nocturia or excessive urination at night; and effective to eliminate the poisons from the body.

On January 10, 1938, pleas of guilty were entered on behalf of the defendants and the corporation was fined \$200 and each of the individual defendants was fined \$200. Costs were imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28351. Adulteration and misbranding of Epsom salts (magnesium sulphate). U. S. v. 506 Packages of Epsom Salts. Default decree of condemnation and destruction. (F. & D. No. 40988. Sample No. 60559-C.)**

This product fell below the pharmacopoeial standard since it was deficient in magnesium sulphate and contained a material amount of sodium sulphate. The labeling contained false and fraudulent curative or therapeutic claims and a false and misleading representation that it was sterile, whereas it was not sterile.

On December 8, 1937, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 506 packages of Epsom salts at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about August 30, 1937, by the Larche Laboratories from Denver, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Epsom Salts Magnesium Sulphate."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity prescribed therein, two samples having been found to contain 86.60 percent and 92.65 percent, respectively, of magnesium sulphate, and it contained a material portion of sodium sulphate, whereas the pharmacopoeia provides that Epsom salts shall contain not less than 99.5 percent of  $MgSO_4$  (anhydrous magnesium sulphate); and its own standard of strength, quality, and purity was not stated on the container.

It was alleged to be misbranded in that the statements on the label, "Magnesium Sulphate \* \* \* Nature Made It Pure \* \* \* Hot concentrated, aqueous solutions of magnesium sulphate \* \* \* are extensively used \* \* \* cloths being saturated and applied while hot. The action \* \* \* has the advantage of being sterile. These salts are guaranteed to be technically pure in every detail," were false and misleading in that they represented that the article was pure magnesium sulphate and was sterile; whereas it contained a material portion of sodium sulphate and when used as directed, was not sterile. It was alleged to be misbranded further in that the statement on the label, "used in the treatment of deep seated infections," was a statement regarding the curative or therapeutic effect of the article and was false and fraudulent.

On January 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28352. Adulteration and misbranding of Vita-Lac. U. S. v. 29 Cans of Vita-Lac. Default decree of condemnation and destruction. (F. & D. No. 40266. Sample No. 41271-C.)**

This veterinary product was labeled to indicate that it consisted of malted buttermilk, whereas it was a mixture of cereal products and buttermilk. The labeling also bore false and fraudulent curative and therapeutic claims.

On September 10, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cans of Vita-Lac at Draper, Utah, alleging that the article had been shipped in interstate commerce on or about July 8, 1937, by the Taylor Milling Corporation from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Vita-Lac \* \* \* Oak Park Creamery \* \* \* Pasadena, Calif."

Analysis showed that it consisted essentially of cereal products and buttermilk.

It was alleged to be adulterated in that it was mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Vita-Lac Condensed Malted Buttermilk," on the label and in the circular, was false and misleading as applied to an article that consisted essentially of cereal products and buttermilk. It was alleged to be misbranded further in that the following statements borne on the label and similar statements appearing in the circular were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "For Quick Growing, Fattening and Higher Egg Production. For Baby Chicks—Vita-Lac has no equal as a starting feed. When added to the ration insures lower mortality, and produces strong, vigorous chicks," "For Fattening—Vita-Lac builds more weight, faster, at less cost," "For Laying Hens—Vita-Lac increases egg production and percentage hatchability," "For Pigs—Vita-Lac is an excellent conditioner and builder of bone and muscle," "The calcium is readily available to build bone and tissue," and "The Natural Lactic Acid in Vita-Lac is beneficial in the prevention and cure of coccidiosis and pneumonia; also helps to rid animals of worms, and stimulates digestion."

On January 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28353. Misbranding of Butler's Cod Liver Oil Ointment. U. S. v. 32 Tubes of Butler's Cod Liver Oil Ointment. Default decree of condemnation and destruction.** (F. & D. No. 39926. Sample No. 34445-C.)

The labeling of this product contained false and fraudulent curative and therapeutic claims.

On July 2, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 tubes of Butler's Cod Liver Oil Ointment at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 16, 1936, by the Anedemin Chemical Co. from Chattanooga, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of petrolatum and fish oil.

It was alleged to be misbranded in that certain statements on the tube and in a circular shipped with it falsely and fraudulently represented that it was effective in the treatment of burns, wounds, ulcers, cuts, blood poisoning (septic process), surgical incisions and various skin affections, acne, infected wounds, fistula; and was effective to alleviate pain, to reduce fever, and to accelerate healing.

On December 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28354. Adulteration and misbranding of ether. U. S. v. 310 Cans of Ether (and three other seizures of the same product). Decrees of condemnation. Portion of the product released under bond for use for technical purposes; remainder ordered destroyed.** (F. & D. Nos. 40423, 40461, 41049, 41224. Sample Nos. 36440-C, 51678-C, 56586-C, 56879-C, 56880-C, 56881-C, 58012-C.)

Samples taken from these various lots of ether were found to contain benzaldehyde.

On October 5 and 11, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 840 cans of ether at New York, N. Y. On December 13, 1937, the said labels were amended. On December 9 and 23, 1937, libels were filed against 32 cans of



ether at Richmond, Va. and 35 cans of ether at Seattle, Wash. The libels alleged that the article had been shipped in interstate commerce between the dates of March 31 and October 13, 1937, by Merck & Co., Inc., in part from Rahway, N. J., in part from New York, N. Y., and in part from St. Louis, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, "ether," and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia.

It was alleged to be misbranded in that the statements on the label, "Ether \* \* \* U. S. P." and "Ether for Anesthesia \* \* \* U. S. P.," were false and misleading as applied to an article which contained benzaldehyde.

On November 26, 1937, Merck & Co., Inc., having filed their claim for the lots seized at New York, N. Y., having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered, and it was ordered that the said lots be released under bond provided that they be repacked for sale as motor ether. On December 31, 1937, and February 23, 1938, no claim having been entered for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28355. Adulteration and misbranding of gauze bandage. U. S. v. 20 Boxes and 22 Boxes of Gauze Bandage. Default decree of condemnation and destruction. (F. & D. No. 40579. Sample No. 56868-C.)**

This product was labeled to indicate that it was suitable for surgical use, whereas it was contaminated with viable micro-organisms.

On October 26, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 boxes of National Gauze Bandage at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 17, 1937, by the Hampton Manufacturing Co. from Carlstadt, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, gauze bandage suitable for surgical use; whereas it was not sterile but contained viable aerobic and anaerobic or facultative anaerobic micro-organisms.

It was alleged to be misbranded in that the statement on the package, "This \* \* \* bandage has been scientifically prepared for surgical use under sanitary manufacturing conditions," was false and misleading as applied to an article that was not sterile but was contaminated with viable micro-organisms.

On November 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28356. Adulteration and misbranding of M. S. A. Compress Bandage. U. S. v. 145 Packages of M. S. A. Compress Bandage. Default decree of condemnation and destruction. (F. & D. No. 41081. Sample No. 24543-C.)**

This product was labeled "Sterilized"; whereas it was not sterile but was contaminated with viable micro-organisms.

On December 13, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 145 packages of compress bandage at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 21, 1937, by the Mine Safety Appliance Co. from Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Bandage Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement on the label, "Sterilized," was false and misleading as applied to an article that was not sterile.

On December 28, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28357. Adulteration and misbranding of cod-liver oil tablets. U. S. v. 40,000 Cod Liver Oil Tablets. Default decree of condemnation and destruction. (F. & D. No. 40530. Sample No. 45879-C.)**

This product was represented to contain 1,100 U. S. P. X units of vitamin A per tablet, whereas it contained not more than 780 units per tablet.

On October 20, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40,000 cod-liver oil tablets at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about February 5, 1937, by the Shores Co. from Cedar Rapids, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "The Shores Company \* \* \* Cedar Rapids Iowa."

It was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, namely, "1100 Vitamin A. Units \* \* \* U. S. P. X 1934," since it did not contain 1,100 U. S. P. units of vitamin A per tablet, but did contain a less amount.

It was alleged to be misbranded in that the statement on the label, "1,100 Vitamin A Units \* \* \* U. S. P. X 1934," was false and misleading as applied to an article containing less than 1,100 U. S. P. units of vitamin A per tablet.

On December 23, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28358. Adulteration of cod-liver oil tablets. U. S. v. 35,000 Cod Liver Oil Tablets. Default decree of condemnation and destruction. (F. & D. No. 40415. Sample No. 45793-C.)**

This product was represented to contain 1,570 vitamin A units per tablet, whereas it contained not more than 785 U. S. P. units of vitamin A per tablet.

On October 1, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35,000 cod-liver oil tablets at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about October 23, 1936, by Strong-Cobb & Co., Inc., from Cleveland, Ohio, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (invoice) "Cod Liver Oil Tablets No. 1 \* \* \* 1570 Vitamin A \* \* \* Units," since it did not contain 1,570 vitamin A units per tablet but did contain a much less amount.

On December 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28359. Adulteration and misbranding of Merz-Allium. U. S. v. 17 Packages of Merz-Allium. Default decree of condemnation and destruction. (F. & D. No. 40641. Sample No. 56871-C.)**

This product was labeled to convey the impression that it contained medicinal garlic oil, whereas it consisted of peanut oil and only a trace of garlic extract.

On November 4, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 packages of Merz-Allium at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 26, 1937, by Merz & Co. Chemical Works, Inc., from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, (label) "Allium Gelatinous Capsules containing Genuine Bulgarian Garlic Oil \* \* \* each containing 0.5 grs. [gms.] of medicinal garlic oil," since the capsules did not contain 0.5 gram of medicinal garlic oil, but did contain 0.5 gram of peanut oil and only a trace of garlic extract.

It was alleged to be misbranded in that the above-quoted statements were false and misleading as applied to an article that contained 0.5 gram of peanut oil and only a trace of garlic extract per capsule.

On November 20, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28360. Misbranding of P. & S. Brand Sani-Strips. U. S. v. 12 Dozen Packages of P. & S. Brand Sani-Strips. Default decree of condemnation and destruction. (F. & D. No. 40709. Sample No. 62987-C.)**

This product was labeled "Waterproof" and was also labeled to indicate that it was sterile; whereas it was not sterile, but contained viable micro-organisms and contained holes through which water could penetrate.

On November 10, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 dozen packages of P. & S. Brand Sani-Strips at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 21, 1937, by the American White Cross Laboratory from New Rochelle, N. Y., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "Physicians and Surgeons Sani-Strips," borne on the metal container and the wrapper around the individual bandage; the statements, "Emergency Bandages," "Hospital Quality," and "Surgical Quality," borne on the metal container, and the statement "Waterproof," borne on the metal container and wrapper, were false and misleading as applied to bandages which were not sterile but were contaminated with viable micro-organisms, and which contained holes through which water might readily pass.

On December 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28361. Adulteration and misbranding of Cristallovor I.B.I. U. S. v. 56 Bottles of Cristallovor I.B.I. Default decree of condemnation and destruction. (F. & D. No. 40283. Sample No. 38636-C.)**

This product was represented to contain 300 international units of follicular hormone per cubic centimeter, but contained less than 93 international units. It contained alcohol, which was not properly declared.

On September 13, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 bottles of 'Cristallovor I.B.I. at New York, N. Y., alleging that the article had been shipped from Milan, Italy, by Istituto Biochimico Italiano on or about September 12, 1936, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Cristallovor contains the follicular hormone obtained from fresh ovary glands \* \* \* Each c.c. contains 300 international units."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, viz, "Cristallovor I.B.I.," "Each cc contains 300 international units," since its potency per cubic centimeter was appreciably less than the stated number of international units of follicular hormone.

The article was alleged to be misbranded in that the foregoing statements were false and misleading. It was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained in the articles since no statement appeared on the bottle label, and the statement on the carton was not in terms of percentage by volume of the absolute alcohol.

On October 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28362. Misbranding of Ourine Nasal Balm and Ourine Application for the Ears. U. S. v. Aurine Co., Inc., Milton W. Folds, Charles G. Foucek, and Jessie D. Folds. Pleas of nolo contendere. Fines, \$200. (F. & D. No. 39752. Sample Nos. 2201-C, 2202-C, 2203-C.)**

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On October 22, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Aurine Co., Inc., Chicago, Ill., and Milton W. Folds, Charles G. Foucek, and Jessie D. Folds, officers of the corporation, alleging shipments by said defendants in violation of the Food and Drugs Act as amended, on or about October 5, 1936, and January 11, 1937,



from the State of Illinois into the State of Texas, of quantites of Ourine Nasal Balm and Ourine Application for the Ears which were misbranded. The articles were labeled in part: "Prepared by Aurine Co. Chicago, Ill."

Analysis showed that the nasal balm consisted essentially of mineral oil containing small proportions of menthol and methyl salicylate colored with a green dye; and that the application for the ears consisted essentially of glycerin, boric acid, extracts of plant drugs, and volatile oils including oil of lavender.

The articles were alleged to be misbranded in that certain statements in the labeling regarding their therapeutic or curative effects falsely and fraudulently represented that they were effective to keep the nasal passages in a healthy condition and to cleanse the nose and to check catarrhal conditions; and effective as a treatment, remedy, and cure for head noises, partial deafness, running ear, and buzzing and ringing of ears due to nasal catarrh and infections of the Eustachian tubes and middle ear; and that the nasal balm was effective to keep the nasal passages clean and germ free.

On December 14, 1937, pleas of nolo contendere were entered on behalf of the defendants and the court imposed a fine of \$50 against each, a total of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28363. Misbranding of Protex. U. S. v. 105 Packages of Protex. Consent decree of condemnation and destruction. (F. & D. No. 40451. Sample No. 42947-C.)**

The label of this product contained false and fraudulent misrepresentations regarding its curative and therapeutic effects.

On October 8, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 packages of Protex at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 11 and 24, 1937, by the Tex Products Co. from Wheeling, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a small amount of a chlorine-liberating product in an effervescent base.

It was alleged to be misbranded in that the labeling contained false and fraudulent representations regarding its effectiveness in promoting health and in the treatment of vaginitis (inflammation of the vagina), metritis (inflammation of the neck of the womb), endometritis, or any of the following symptoms: Vaginal discharge, burning urine, backache, periodic headaches, nervousness, excitability, feeling of loneliness, dull pains in groin, loss of appetite, depleted energy, loss of weight, crinkly skin, lack of sexual desire, irregular or painful menstruation, premature menstruation, ulcers, cysts, ovarian disorders, enlarged or swollen womb, bladder disorders, irregularity at puberty or at menopause (change of life), low vitality, constipation, kidney and bladder disorders, dark, sallow complexion, pimples on face, neck and arms, languid, lifeless feeling, and other functional disturbances.

On January 28, 1938, the consignor having consented to the destruction of the product, it was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28364. Adulteration and misbranding of ether. U. S. v. 55 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 40747. Sample Nos. 9630-C, 9642-C.)**

Samples of this product were found to contain peroxide.

On November 12, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cans of ether at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 7, 1937, by the Mallinckrodt Chemical Works from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the container.

It was alleged to be misbranded in that the statement on the label, "Ether for anesthesia \* \* \* fully conforms to all requirements of the U. S. P. XI," was false and misleading as applied to ether containing peroxide.

On December 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28365. Misbranding of Venus Tea. U. S. v. 210 Packages of Venus Tea. Default decree of condemnation and destruction.** (F. & D. No. 40867. Sample No. 65504-C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effect and false and misleading representations regarding its composition. The labeling also conveyed the impression that the product could be used with absolute safety; whereas it consisted essentially of senna leaves and when taken as directed, might be injurious.

On November 18, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 210 packages of Venus Tea at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about July 6, 1937, by the Maison Laboratories from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Venus Tea \* \* \* Manufactured For Venus Tea Company, New York, N. Y."

Analysis showed that the article consisted essentially of senna leaves with small proportions of bladder wrack, chamomile flowers, calendula flowers, mint leaves, and couch grass. It contained no material derived from roots or barks.

The article was alleged to be misbranded in that the statements, "Venus Tea is composed of \* \* \* herbs, roots, leaves and barks," were false and misleading, since it contained no material derived from roots or barks. It was alleged to be misbranded further in that the following statements, borne on the carton, were false and misleading in that they created the impression that the article was a harmless and beneficial preparation, whereas it consisted essentially of senna leaves and when taken in accordance with the directions quoted, might be injurious; and for the further reason that the said statements were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Carton) "Venus Tea is composed of non-injurious herbs, roots, leaves and barks, \* \* \* and is free from thyroid, chemicals and other mineral substances that frequently cause unsatisfactory results. Place one teaspoonful of Venus Tea into a cup of boiling water, let steep until cooled sufficiently to drink, \* \* \* Drink at least one cup of Tea three times daily instead of tea or coffee with your meals for best results; if desired, it may be taken between meals; however, best results are obtained by drinking it after meals. \* \* \* By using good judgment in eating, results will be realized more quickly. If fat meats, pastries, starchy foods, etc., are omitted from the diet, a satisfactory condition should soon be accomplished. \* \* \* Daily exercise taken consistently aids in speeding results. \* \* \* Taken so that three to four movements of the bowels occurs daily, no harmful effects result and much benefit can be derived from its constant use. Venus Tea helps Nature keep the body in a normal condition."

On December 28, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28366. Adulteration and misbranding of Tam. U. S. v. The Tam Co., Inc. Pica of guilty. Fine, \$50.** (F. & D. No. 38617. Sample Nos. 6451-C, 12929-C.)

This product was represented to contain no drugs and to be composed entirely of natural laxative fruits; whereas it contained senna, a laxative drug. Its labeling bore false and fraudulent representations that it would produce normal elimination.

On September 30, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tam Co., Inc., New York, N. Y., alleging that the defendant had sold to E. Fongera & Co., Inc., quantities of an article of drugs known as Tam under a guaranty that it was not adulterated or misbranded in violation of the Food and Drugs Act; that the said drug

in the identical condition as when so sold had been shipped by the purchaser on or about June 12 and July 21, 1936, from the State of New York into the State of Illinois and the District of Columbia, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Tam \* \* \* E. Fougera & Co. Inc. New York City Distributors."

Analyses of samples of the article showed that it consisted essentially of plant material including the tissues and seeds of fruits, such as figs and prunes, senna leaf tissues, tissues of a species of Cassia, tamarind fruit tissues, starchy material, and a small proportion of sodium benzoate.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold in that it was labeled "contains 100% pure natural laxative fruits"; whereas its chief laxative ingredient was senna leaves.

Misbranding was alleged in that the statements, "Contains 100% pure laxative fruits extracted and concentrated into a delicious jam" and "No Drugs," were false and misleading in that the article was not a jam and contained a drug, senna leaves; and in that certain statements in the labeling regarding its curative and therapeutic effect, falsely and fraudulently represented that it was effective as a safe laxative "even for the tiniest tot"; that it was effective to produce normal evacuation of the bowels and to regulate the bowels; that it was effective in these respects without griping and that a teaspoonful of the article, taken nightly for a few nights and then every second night, would produce a normal condition of the bowels; whereas it was not so effective or so productive.

On October 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28367. Misbranding of Perfection Health Tablets, Perfection Stock Powder, and Perfection Nutrum. U. S. v. I. B. Rogers Co. Plea of guilty. Fine, \$50. (F. & D. No. 39794. Sample Nos. 12737-C, 12738-C, 12739-C, 34422-C.)**

The labeling of these veterinary products bore false and fraudulent representations regarding their curative and therapeutic effectiveness.

On November 27, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the I. B. Rogers Co., a corporation, Danville, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on August 14, 1936, and April 17 and 22, 1937, from the State of Illinois into the State of Indiana of quantities of the herein-after-described drug preparations, which were misbranded. The articles were labeled in part: "I. B. Rogers Company, Danville, Illinois."

Analyses showed that the Health Tablets consisted essentially of zinc sulphocarbonate, calcium sulphocarbonate, and sodium sulphocarbonate, one sample having been found to contain a small proportion of boric acid; the Stock Powder consisted essentially of compounds of sodium and iron, charcoal, sulphur, extracts of plant drugs, including nux vomica and chenopodium, sulphates, carbonates, and siliceous material; and that the Nutrum consisted essentially of Epsom salt, Glauber's salt, compounds of iron, sodium, and calcium, small proportions of sulphur, charcoal, plant material, resinous material, and sand.

The Perfection Health Tablets were alleged to be misbranded in that certain statements borne on the bottle label falsely and fraudulently represented that the article was effective as an intestinal antiseptic and as a preventive of the spread of disease: effective as a treatment of roup, cholera, white diarrhoea, cankers, coccidiosis or tuberculosis, and as a preventive of the ailments of poultry.

The Perfection Stock Powder was alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it was effective as a hog wormer and conditioner; effective to keep farm animals free from worms, and to a great extent, immune to diseases of all kinds; effective to remove worms, to prevent reinfection, to aid digestion and to shorten the fattening period; effective as a conditioner for wormy horses and colts, for colic in horses; for grass or fodder bloat in cattle and milk cows; as a bowel conditioner in farm animals; as a blood tonic and blood purifier; to make red blood corpuscles and to expel worms; as a kidney cleanser and germ destroyer; to keep the gases out of the stomach, to help put on fat and to absorb gas and to rid the stomach and bowels of worms.



The Perfection Nutrum was alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it was effective as a treatment for diseases of all kinds in poultry; to prevent diseases in poultry; to regulate the blood, liver, or digestive organs of hens; to make hens lay; to increase production of eggs; to promote the growth of young chicks; to insure strong bone, muscle, abundant plumage and a large fowl; to invigorate the system or cause a glossy plumage and good health; as a regulator and conditioner; to make poultry healthy; to prevent disease; to aid in preventing reinfestation of worms; as a blood tonic; blood purifier and to make red blood corpuscles; as a tonic; as a germ destroyer and toner; and effective to aid digestion and absorb gases, and as a treatment for roup.

On December 14, 1937, a plea of guilty was entered on behalf of the defendant and a fine of \$50 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28368. Misbranding of Lee's Prescription, Mrs. Bee's Vagi-Anti-Septikones, Elco Hepatic Tablets, R. L. D. Procon Tablets, Elco Asthma Remedy, and Elco Rub. U. S. v. Archie Berland, Rose Kotenberg, and David F. Berland (Erie Laboratories). Pleas of nolo contendere; judgment of guilty. Fines, \$150 and costs.** (F. & D. No. 39489. Sample Nos. 18437-C, 18440-C, 18441-C, 18442-C, 18443-C, 19674-C.)

The labeling of these products contained false and fraudulent representations regarding their curative and therapeutic effects. Lee's Prescription for Hay Fever and Asthma contained acetophenetidin, a derivative of acetanilid, and its label failed to bear a statement of the quantity thereof contained in the article. The Elco Asthma Remedy was represented to contain no harmful drugs; whereas it contained potassium iodide and ephedrine sulphate, which are harmful drugs.

On June 9, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Archie Berland, Rose Kotenberg, and David F. Berland, copartners, trading as the Erie Laboratories, Cleveland, Ohio, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 6, 23, and 25 and October 6, 1936, from the State of Ohio into the State of New York, and on or about December 12, 1936, from the State of Ohio into the State of Minnesota of quantities of the hereinafter-described drugs, which were misbranded. The Vagi-Anti-Septikones were labeled: "Prepared for Mrs. Bee's Health Laboratories, Cleveland, O." The remaining products were labeled in part: "Erie Laboratories, Cleveland, Ohio."

Analyses showed that Lee's Prescription consisted chiefly of acetylsalicylic acid, acetophenetidin, and a small amount of alkaloid; that the Vagi-Anti-Septikones consisted chiefly of cocoa butter and a small amount of oxyquinoline; that the Elco Hepatic Tablets consisted chiefly of phenolphthalein, bile salts, emodin-bearing drugs, and capsicum; that the R. L. D. Procon Tablets consisted chiefly of sodium bicarbonate, hexamethylenetetramine, and a very small amount of alkaloid; that the Elco Asthma Remedy consisted chiefly of sugar, water, potassium iodide, and ephedrine sulphate; and that the Elco Rub consisted chiefly of petrolatum, oils of wintergreen and eucalyptus, menthol, camphor, and turpentine.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that Lee's Prescription was effective for lessening the paroxysms of hay fever, rose fever, sinus, la grippe, running nose and weeping eyes; that Mrs. Bee's Vagi-Anti-Septikones were effective as a treatment, remedy, and cure for leucorrhoea; that the Elco Hepatic Tablets were effective as a treatment for hepatic insufficiency, intestinal putrefaction, jaundice, and gall stones, and effective to directly stimulate the liver cells and to produce an increased flow of bile; that the R. L. D. Procon Tablets were effective for the relief of frequent desire to urinate, lack of control and irritation of the bladder, sleeplessness, restlessness, nervousness, prostatic and many unnatural, unhealthy conditions of the bladder and effective for the relief of severe cases thereof; that the Elco Asthma Remedy was effective as a relief for hay fever, coughs, and certain forms of sinus trouble; and that the Elco Rub was effective as a treatment, remedy, and cure for sore throat, croup, whooping cough, rheumatism, stiff neck, nasal catarrh, and persistent and annoying cough. Lee's Prescription was alleged to be misbranded further in that it contained acetophenetidin, a derivative of acetanilid, and the bottle

label failed to bear a statement of the quantity and proportion of acetophenetidin contained in the article. The Elco Asthma Remedy was alleged to be misbranded further in that the statement, "Contains no \* \* \* harmful \* \* \* Drugs," borne on the bottle label, was false and misleading since it represented that the article contained no harmful drugs; whereas it contained harmful drugs, namely, potassium iodide and ephedrine sulphate.

On November 8, 1937, the defendants entered pleas of *nolo contendere*, were adjudged guilty, and were each fined \$50. Costs also were imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28369. Misbranding of Kroup Monia Syrup, Kroup Monia Salve, Red Oil Liniment, and Distilled Spirit Turpentine.** U. S. v. W. D. Taylor & Co., Inc., and Clemmie L. Carmichael. Pleas of guilty. Corporation fined \$25. Clemmie L. Carmichael placed on probation for 3 years. (F. & D. No. 39770. Sample Nos. 13603-C, 34516-C, 34531-C, 34532-C, 34941-C.)

This case involved Kroup Monia Syrup the labeling of which contained false and fraudulent curative or therapeutic claims and an incorrect declaration of chloroform; Kroup Monia Salve and Red Oil Liniment the labeling of which contained false and fraudulent curative or therapeutic claims; and Distilled Spirit Turpentine which fell below the pharmacopoeial standard.

On January 20, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against W. D. Taylor & Co., Inc., Bessemer, Ala., and Clemmie L. Carmichael, an officer of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 15, 1936, from the State of Alabama into the State of Mississippi of a quantity of Kroup Monia Syrup; and on or about January 9, February 13, and February 19, 1937, from the State of Alabama into the State of Florida of quantities of Kroup Monia Syrup, Kroup Monia Salve, Red Oil Liniment, and Distilled Spirit Turpentine which were misbranded. The turpentine was labeled in part: "Packed By W. D. Taylor & Co. Mfg. Chemists Bessemer, Alabama." The remaining products were labeled in part: "Manufactured by W. D. Taylor & Co. The Home of Taylor Made Remedies Bessemer, Ala."

Analyses showed that the Kroup Monia Syrup consisted essentially of sugar, water, ammonium chloride, glycerin, alcohol, chloroform (1.3 minims and 1.8 minims per fluid ounce, respectively), menthol, and extracts of plant materials including pine; that the Kroup Monia Salve consisted essentially of petrolatum, small quantities of eucalyptol, menthol, thymol, camphor, and oil of turpentine; that the Red Oil Liniment consisted essentially of kerosene, capsicum, and volatile oils including oil of turpentine and oil of sassafras; and that the Distilled Spirit Turpentine was steam-distilled wood turpentine.

The articles with the exception of the Distilled Spirit Turpentine, were alleged to be misbranded in that certain statements in the labeling regarding their therapeutic or curative effects were false and fraudulent in the following respects: The earlier shipment of the Kroup Monia Syrup was represented to be effective as a treatment for the relief of hoarseness and similar bronchial irritations, bronchial irritations, croup, whooping cough, and similar diseases of the respiratory organs. The later shipments of Kroup Monia Syrup were alleged to be effective as a treatment for hoarseness or similar bronchial irritations; and effective as an aid in the relief of hoarseness and bronchial irritations. The Kroup Monia Salve was represented to be effective to relieve inflammation and congestion, and diseases arising from the lungs, throat, and bronchial tubes; effective as a treatment, remedy, and cure for croup, pneumonia, bronchial troubles, catarrh, piles, burns, and inflamed surfaces; and to be penetrating and healing. The Red Oil Liniment was represented to be effective as a treatment for painful affections of the nerve, bone, and muscular system, and for the relief of stiffness of muscles, stiff neck, and swellings; and effective as a treatment, remedy, and cure for stiff joints, muscular rheumatism, lumbago, stiff neck, neuralgia, swellings, cramps in the stomach, and stomach cramps. The Kroup Monia Syrup was alleged to be misbranded further in that the statements (carton) "4 Minims Chloroform to Ounce" and (bottle) "4 Mins. Chloroform to oz." were false and misleading in that they represented that each fluid ounce of the article contained 4 minims of chloroform; whereas each fluid ounce contained less than 4 minims of chloroform, samples from 2 shipments having been found to contain 1.3 minims and 1.8 minims of chloroform per fluid ounce, respectively. The Distilled Spirit Turpentine was alleged to be misbranded in that the statement on the label, "Spirit Turpentine," was false and

misleading in that it represented that the article was spirits of turpentine which conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not spirits of turpentine which conformed to the said standard.

On January 20, 1938, pleas of guilty were entered on behalf of the defendants and the court sentenced the corporation to pay a fine of \$25, and placed Clemmie L. Carmichael on 3 years' probation.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28370. Misbranding of Geno Inhalant. U. S. v. Walter F. Williams and James A. Gregory (Geno Remedy Co.). Pleas of guilty. Fines, \$100 and costs. (F. & D. No. 39771. Sample No. 14592-C.)**

This product contained isopropyl alcohol which was not declared.

On November 10, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Walter F. Williams and James A. Gregory, trading as the Geno Remedy Co., Monticello, Ill., alleging shipment by the said defendant in violation of the Food and Drugs Act, on or about December 26, 1936, from the State of Illinois into the State of Indiana of a quantity of Geno Inhalant which was misbranded. The article was labeled in part: "Made by Geno Remedy Company, Monticello, Illinois."

The article was alleged to be misbranded in that it contained isopropyl alcohol and the label on the package failed to bear a statement of the quantity or proportion of isopropyl alcohol contained therein.

On January 15, 1938, pleas of guilty were entered by the defendants and they were sentenced to pay fines in the total amount of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28371. Misbranding of Dr. Isaac's Big Jim and Dr. Isaac's "Big Jim" Healing Liquid. U. S. v. Tampa Drug Co. and William G. Allen. Pleas of nolo contendere. Judgment of guilty. Corporation fined \$25; the individual fined \$10. (F. & D. No. 39774. Sample No. 22744-C.)**

The labeling of these products falsely and fraudulently represented their curative and therapeutic effects.

On October 23, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tampa Drug Co., a corporation, Tampa, Fla., and William G. Allen, an officer of the corporation, alleging shipment by the said defendants in violation of the Food and Drugs Act as amended, on or about March 26, 1936, from the State of Florida into the State of Georgia of a number of cartons, each containing a bottle of Dr. Isaac's Big Jim and a bottle of Dr. Isaac's "Big Jim" Healing Liquid, which products were misbranded. The articles were labeled in part: "Tampa Drug Co. Tampa, Fla."

Analyses of samples showed that Doctor Isaac's Big Jim consisted of a dilute hydroalcoholic solution of potassium iodide and some vegetable extractions; and that Dr. Isaac's "Big Jim" Healing Liquid consisted essentially of an aqueous solution of bichloride of mercury.

The articles were alleged to be misbranded in that the labels bore false and fraudulent statements, designs, and devices regarding their respective therapeutic and curative effectiveness in the treatment of impure blood, boils, sores, eruptions, and rheumatism; and as a healing liquid for "sore" and to keep the parts affected by the "sore" in a healthy condition.

On November 15, 1937, the defendants having entered pleas of nolo contendere, they were adjudged guilty and were sentenced to pay fines in the total amount of \$35.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28372. Misbranding of Sana-Sal. U. S. v. 98 Packages of Sana-Sal. Default decree of condemnation and destruction. (F. & D. No. 39997. Sample No. 36706-C.)**

The labeling of this product bore false and fraudulent representations regarding its therapeutic and curative effects.

On July 21, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 packages of Sana-Sal at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about June 15, 1937, from New York, N. Y., by the Sana-Sal



Distributing Co., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of magnesium, calcium, sodium, and potassium chlorides and bromides.

The article was alleged to be misbranded in that the following statements on the label regarding its curative and therapeutic effects, were false and fraudulent: "The Salt of Life \* \* \* Ancient chronicles describe the healing qualities of the water from the Dead Sea. The Dead Sea is known by that name because its water has an antiseptic quality which spells death to organic matter. It should in fact be called the Sea of Life because all the chemicals in its water are present in the human body in lower percentages. These are the chemicals necessary to life and Health. Experimentation by scientists and physicians for the therapeutic effects of this water has been successful. Physicians advise the bath cure in the Dead Sea to patients afflicted with diseases of the joints, muscles, nerves and skin. Sana-Sal makes it possible for you to Take The Dead Sea Baths In Your Own Home. Directions The best results in the treatment of: Rheumatism Arthritis Neuralgia Insomnia Polyomyelitis Skin & Joint Diseases is achieved by taking the full course of twenty Sana-Sal baths. \* \* \* One package of Sana-Sal is sufficient for one bath except in acute conditions where two packages should be used for each of the first ten baths. \* \* \* The slight film which remains on the body after a Sana-Sal bath has important therapeutic values and should not be washed off. Sana-Sal acts hyperaemically on the skin and so increases the heat production which in turn increases circulation."

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28373. Misbranding of Erickson's Eczema Salve. U. S. v. 9 Small Jars and 10 Large Jars of Erickson's Eczema Salve. Default decree of condemnation and destruction.** (F. & D. No. 39984. Sample No. 14452-C.)

The labeling of this product contained false and fraudulent curative or therapeutic claims.

On July 19, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 jars of Erickson's Eczema Salve at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about March 15, 1937, from Spring Grove, Minn., by Dr. E. S. Erickson and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that it consisted essentially of lead acetate and a camphoraceous oil incorporated in an ointment base.

The article was alleged to be misbranded in that the name "Erickson's Eczema Salve" on the jar label was a statement of the curative or therapeutic effectiveness of the article and was false and fraudulent.

On November 24, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28374. Misbranding of Kolorok. U. S. v. 20 Jars of Kolorok. Default decree of condemnation and destruction.** (F. & D. No. 40267. Sample No. 50790-C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On or about September 23, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 jars of Kolorok at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about August 24, 1937, by Kolorok, Inc., from Spokane, Wash., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of calcium sulphate with a small proportion of calcium carbonate.

It was alleged to be misbranded in that the following statements borne on the label falsely and fraudulently represented its therapeutic and curative effectiveness: "A Natural Food Calcium Recommended for all conditions due to Lack of Lime in the system—Digestive disturbances, acidosis, gastric

and duodenal ulcers; kidney and bladder troubles; rheumatism, arthritis, neuritis; eczema and skin ailments; \* \* \* also surface lesions, cuts, burns, scalds, old sores, etc."

On January 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28375. Adulteration and misbranding of hospital absorbent cotton. U. S. v. 645 Packages of Hospital Absorbent Cotton, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 40337, 41309. Sample Nos. 20994-C, 55287-C.)**

This product was represented to be absorbent cotton suitable for hospital and surgical uses, whereas it was contaminated with viable micro-organisms.

On September 21 and December 31, 1937, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 930 1-ounce packages, and 714 2-ounce packages of absorbent cotton at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about August 4 and December 10, 1937, by Acme Cotton Products Co., Inc., from Dayville, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely "Hospital Surgical Absorbent Cotton," since it was not sterile but was contaminated with viable aerobic and anaerobic micro-organisms including gas-producing anaerobic organisms.

It was alleged to be misbranded in that the statements on the label, "Hospital Surgical Absorbent Cotton \* \* \* Acme \* \* \* This surgical cotton has been processed to a high degree of \* \* \* refinement. It is recommended for sick room, first-aid, nursery \* \* \* purposes," and the design of a nurse on the cartons of a portion of the article, were false and misleading as applied to an article that was not sterile but was contaminated with viable micro-organisms.

On November 4, 1937, and January 17, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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